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La Padula

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
TOWNSHIP OF DOVER - COUNTY OF OCEAN
STATE OF NEW JERSEY

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IN THE MATTER OF: : TRANSCRIPT
: OF
CIBA-GEIGY SUPERFUND SITE : PROCEEDINGS
PUBLIC MEETING :
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AUGUST 2, 1988
7:00 P.M.
Toms River High School North
Old Freehold Road
Toms River, New Jersey

Rec'd
2/6/90

BEFORE:

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Hearing Officer

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1 MR. DAGGETT: Could I have everybody's
2 attention, please, so we can get started? For
3 those of you in the back, if you want to come in
4 and take a seat, please do.

5 Good evening. My name is Chris Daggett.
6 I'm the Regional Administrator to the United States
7 Environmental Protection for Region 2, which
8 encompasses the State of New York and New Jersey as
9 well as the islands of Puerto Rico and the Virgin
10 Islands.

11 With me tonight are on my immediate left,
12 Bill Muszynski who is Deputy Regional Administrator
13 and at the end of this week will assume the title
14 of acting Regional Administrator as I move over as
15 acting Commissioner. To his left is Pat Wells.
16 Pat Wells is the environmental engineer and project
17 manager on the Ciba Geigy Superfund. To her left
18 is Fred Luckey who is the EPA hydrogeologist on a
19 number of sites. This is the primary sites that
20 he's worked on. To my immediate right is John
21 Czapor. He is the Chief of the Site Compliance
22 Branch of the Superfund Program in Region 2, and to
23 his right is John LaPadula who is the Chief of the
24 Southern New Jersey Compliance Section, also in the
25 Superfund Program, Region 2.

1 The purpose of tonight's meeting is to
2 present the preferred remedial alternative plan
3 which was released on June 23rd, to review that
4 document with you, to go through EPA's decision
5 process to that point and then to receive your
6 comments on that preferred remedial alternative
7 plan. It is also to explore with you and to share
8 with you the process we put in place to try to
9 continue to work through to ensure that we receive
10 as complete and comprehensive community input as
11 possible as we go through this decision process.

12 There's still a great deal of opportunity
13 left for comment. This does not represent the only
14 time for comment on this Superfund cleanup. The
15 original process would be that we would have a
16 thirty-day comment period. Because of the nature
17 of this site and the extensive interest about it,
18 we extended it to sixty days, and as a result of
19 some of the meetings we've been having with
20 environmental groups and elected officials from the
21 various communities that are affected by the
22 decision, we have targeted a goal of trying by
23 September 30th to come up with a decision on this,
24 on one aspect of this site, which I'll get into in
25 a moment.

1 As a result of that we need to extend the
2 comment period. We will not close the comment
3 period after sixty days because we are still
4 working with the various groups we've started
5 working with. So, the comment period will be also
6 extended to September 30. So, you have plenty of
7 time aside from this public meeting to express your
8 comments either tonight or through a number of
9 sessions. We'll have both individually and small
10 groups depending on people's interests.

11 I just, again, to set the context a little
12 bit of this meeting tonight, we are dealing with
13 one aspect of the Superfund cleanup at the
14 Ciba-Geigy site in Toms River, that that cleanup
15 involves contaminated groundwater, which has been
16 contaminated by a number of sources, which I will
17 get into in some detail in a couple of minutes, and
18 represents that aspect of the Superfund site that
19 has the most potential for impact on public health
20 and the environment in the near term.

21 As a result, we've spent considerable time
22 and effort trying to understand the nature of the
23 contamination of that groundwater, and then the
24 different methods we might use for cleaning it up.

25 What this is not is a discussion about the

1 sources of the contamination themselves. Those
2 sources will be dealt with in future Records of
3 Decision regarding the site, the first of which
4 will probably be sometime in the early part of 1990
5 when the first studies are completed, but the
6 groundwater represents this phase of the cleanup.

7 We know that there are many concerns about
8 this site within the community and the communities
9 that are involved, as well as the state and federal
10 level. We -- sorry about that.

11 There has been one technical assistance
12 grant given already to the Ocean County Citizens
13 For Clean Water as part of an effort to try to
14 provide to the community the kind of technical
15 assistance that people would want to have to
16 essentially look at and review on a technical level
17 the conclusions that have been drawn and the work
18 that's begun so far by the EPA. That technical
19 assistance grant has been helpful from our respect
20 in receiving informed and technical community
21 input, and as part of that process, the Ocean
22 County Citizens For Clean Water proposed we open up
23 that process to a broader group than they
24 represented. We agreed with that and have
25 initiated such a process, which I'll go into in

1 some detail after the technical presentation.

2 To try to work further through the issues
3 associated with this site trying, again, to reach a
4 conclusion that as best as possible reflects not
5 only what is important from an environmental and
6 public health standpoint, but also reflects the
7 concerns of citizens and the general public.

8 As you came in tonight you received a
9 handout. We'll be using that handout, primarily
10 the copies of the various slides that we'll go
11 into. Those slides can be seen immediately behind
12 me on this big screen as well as on these two side
13 screens. I will tell you from the beginning that
14 the slides, because of the amount of material on
15 them, they do not project such that you will be
16 able to read them with any great ease from your
17 seats in a number of cases, which is why we ask you
18 to follow along with the handouts, if you would,
19 because the handouts are a duplicate of the slides.

20 Following the presentation we will receive
21 comments from various people, if you wish to
22 comment and if you have not so far signed up, we
23 would urge you to do so at the back of the room if
24 you wish to speak and your name, put your name on
25 the list. What we will do is we have elected

1 officials first and then following the comments
2 from elected officials, members of various groups
3 and the general public.

4 If I can, we have a packet of materials
5 that has an EPA cover on it. We have slides. As
6 soon as we have the slides -- could we start these
7 slides a minute, please? The cover of your
8 document should look as is on the screen right now.
9 We're going to be using that document throughout
10 this discussion.

11 One further point about the process, this
12 represents the first stage of the Superfund
13 Cleanup. When we go through trying to remediate
14 various Superfund sites, there are basically three
15 steps. The first step is what is known as the
16 remedial investigation and feasibility study stage.
17 It is in that stage of the process that we try to
18 as best as possible get an understanding of the
19 nature and extent of the contamination, and we
20 develop a series of possible alternatives that we
21 can employ to remediate the site. That is the
22 feasibility study's part of the process.

23 After we have collected all of the
24 information and reviewed all possible options, we
25 then make a decision on which of the options we're

1 going to employ to remediate the site. That is
2 known as a Record of Decision. Once that is done
3 there is a formal document that indicates EPA's
4 decision on the matter. It is then moved into what
5 is known as the remedial design stage where the
6 actual choice of remediation goes through a full
7 scale engineering design where we send it to
8 consultants who literally, from a technical
9 standpoint, engineer the method we've selected for
10 remediating the site. That is followed by the
11 actual remediation activities themselves.

12 So, normally the remedial investigation and
13 feasibility study stage has been taking on some an
14 average of three to five years. The design stage
15 has been taking approximately a year and the
16 cleanup or remediation stage has been taking
17 anywhere from a year to an indefinite amount of
18 time depending on the nature and extent of
19 contamination.

20 Tonight what we are sharing with you is the
21 point at which the remedial investigation and
22 feasibility study is finished. We are required by
23 law to review with you what is EPA's preferred
24 alternative. That is a legal requirement that we
25 must tell you what we think is the best

1 alternative. That is then the trigger to this
2 comment process that we began on June 23rd and
3 scheduled through September 30th. So, this
4 represents the statement of our preferred
5 alternative as of the June 23rd date, and as I
6 indicated, later on I will explore with you what we
7 have done since then, a way of trying to work
8 through the issues regarding this site.

9 If I can go to the first slide, the site
10 itself, we can focus that, you will see that it is
11 a depiction of the overall site and the known
12 sources of contamination. The known sources of
13 contamination as depicted on the screen are the
14 shaded areas. They essentially represent the drum
15 disposal area, the filtercake area, the lime-sludge
16 disposal area, the backfilled lagoons and there is
17 still the borrow area, which is depicted not in the
18 shaded fashion, but it's at the top of the chart.
19 It's in dotted lines and that has not been shaded.
20 It is in dotted lines because we are still not sure
21 you have enough initial testing there. There has
22 been alleged a series of activity of dumping that
23 have occurred over the years. We're still trying
24 to determine whether that is indeed a source of
25 contamination or not.

1 The two shaded areas from the Superfund
2 standpoint are both the facility itself as well as
3 the sewage treatment plant. The reason is as both
4 covered under separate laws and any activities
5 associated with spills on those sites have been
6 cleaned up under federal laws, Region 2, EPA as
7 well as state, but the reason they're not shaded is
8 not so much we don't think they're a problem at
9 times, but because they're covered under other
10 laws. The known sources of the contamination is
11 the shaded areas.

12 Going to the next slide, depicted there are
13 the various -- locations of the various wells that
14 have been used in our study. There was some two
15 hundred plus wells that we sampled, that were
16 sampled on data from those wells were used. That
17 includes approximately or it includes fifty-nine of
18 the wells, which are EPA wells, and over some one
19 hundred and forty wells, which were Ciba-Geigy
20 wells. Those wells were the main source of our
21 data for the remedial investigation. You can see
22 they cover a wide range of area on the property and
23 as well they go offsite, primarily in the Cardinal
24 Drive area, the Coulter Road area and I'm not sure
25 of the street name, I'm sorry, but in the lower

1 central part of the picture there is a couple of
2 circular areas that are residences where wells have
3 been tested.

4 The next slide shows the same sort of thing
5 where we took soil samples. The soil samples,
6 we've taken 189 soil samples and, again, they're
7 primarily in areas that were suspected at the time
8 and now known -- are not known to be sources of
9 contamination.

10 The next slide shows you the surface water
11 and sediment sample locations. We took ten water
12 samples and six sediment samples. You can see by
13 the black squares the location of those sampling
14 points.

15 The next slide tries to give you from our
16 best judgment the known contaminant source areas,
17 the type of waste and the quantity of waste
18 involved. As you can see, most of it is sludge in
19 each of the listed areas, and the volumes range
20 from some thirty thousand cubic yards to nearly
21 seventy thousand cubic yards in the sludge areas.

22 With respect to the drums, there are
23 some -- ninety-two thousand is a guess of the
24 number of drums that are buried in that facility.
25 The waste water treatment plant area is listed as

1 unknown because there's further detail work that
2 has to be done there, and primarily you're dealing
3 with volatile organics as well as inorganics as the
4 type of material that we're finding there.

5 The following gives you some of the
6 conclusions of the remedial investigation itself.
7 This is prior to the feasibility study. This is
8 just what kind of conclusions we were able to come
9 to as a result of studying the contamination of the
10 site. The first is: Groundwater contamination is
11 indeed migrating off the site into the Toms River
12 and across the Toms River. I'll get into some of
13 the details on that in a few minutes.

14 The various areas listed are the Drum
15 Disposal, the Filtercake Disposal and the
16 Backfilled Lagoons are known sources of groundwater
17 contamination.

18 Surface soil sampling revealed several hot
19 spots of inorganic contamination primarily in the
20 source areas, the drainage areas and along
21 transportation routes.

22 Some other conclusions on the next slide,
23 please, are just a list of some of the chemicals
24 that have been identified at the site. We also
25 said that other areas, including the Borrow Area

1 and the Production Area, must be investigated
2 further, and those will be the source of or the
3 point of future studies when we get into, actually
4 getting more of an understanding of those sources
5 and how best to deal with them.

6 And finally, we conclude that absent taking
7 some action, that the public will be exposed to an
8 unacceptable carcinogenic risk.

9 The following slide in a general fashion is
10 to demonstrate to you what is known as the clue of
11 the contamination, is simply the extent of the
12 groundwater contamination, where it is and how far
13 it extends. As you can see, it's marked here on
14 this big map on the shaded area. It not only
15 covers a portion of the site itself, but it also
16 goes across into the Cardinal Drive area, then up
17 to the Toms River there, across the Toms River and
18 into the Coulter Drive area where we found some
19 mercury contamination. We believe to this point
20 that the mercury contamination is not associated in
21 those particular wells with the Ciba site but,
22 again, we're doing some further investigation to
23 determine in the meantime those folks on -- the
24 reason the dotted line exists there is to
25 demonstrate that we're not sure exactly of the edge

1 of the plume. We think it's about where we show
2 there, but further investigation will give us the
3 best definite answer, which they're continuing to
4 do. The arrow depicts the general flow of
5 groundwater across the site. Note the upper, the
6 northwest portion of this site from the top left
7 portion across the site boundary is the Pine Lake
8 Park area. There is other residential areas in the
9 southwest section, and you see the residential
10 areas on the easterly section of the site, but the
11 contamination generally goes as depicted there and
12 the flow of groundwater is depicted again by the
13 arrows.

14 The next slide is to try to demonstrate in
15 a very simplistic and graphic way what is happening
16 today. The contaminant source area has essentially
17 gone from that point into the groundwater. The
18 groundwater then moves into the river, and the
19 river flows into the ocean. Today and everyday
20 that that contamination is not somehow dealt with,
21 we are having contaminants enter both the Toms
22 River and the ocean beginning at sources on the
23 Ciba-Geigy Superfund site, but this is a very
24 simplistic and graphic way to show how the
25 groundwater flows right now.

1 The next slide shows from a sort of
2 below-the-ground view of what is occurring.
3 Several points I'd like to make: On the screen the
4 bluish or gray area, depending on how your eyes see
5 it, I'm not sure how, the little gray area
6 represents the plume of contamination. The yellow
7 represents the various two aquifers that we have
8 been investigating. The brown area represents the
9 semi-confining silt and clay layer that separates
10 the two aquifers from one another. Originally it
11 was felt that there was a second clay layer, which
12 is shown briefly in the little gray area to the
13 middle of the upper aquifer on the far left, the
14 sign that says clay layer, it was felt that one
15 time that clay layer extended across this area and
16 was indeed a barrier for the groundwater for the
17 contamination. Upon further investigation, we
18 determined that indeed is an intermittent barrier
19 as depicted here and, in fact, the contaminants go
20 down into this aquifer.

21 The semi-confining silt and clay layer has
22 arrows going both ways and to depict the fact it is
23 not a fully confined area. Groundwater can move
24 between the two aquifers. It can go down and back
25 and so on, which indicates that the lower aquifer

1 may be contaminated and indeed we have some
2 evidence, some salts, they're particularly
3 bromides, but we think the contamination is minor
4 to this point. And we will show you as we move on
5 how we anticipate being able to deal with that.

6 The point is just simply to show on the
7 schematic how it moves and the contamination source
8 over to the Toms River. It goes beyond the Toms
9 River and gets pulled back toward the source, I
10 mean towards the river itself, but the point is
11 it's going up and down between the two aquifers.
12 The need exists to pull this water out of the
13 ground and treat it.

14 There are lists here of the purpose of the
15 groundwater extraction system which we are using to
16 indeed remove this groundwater: The first, to
17 remove the contaminating groundwater for treatment,
18 the obvious. The second reason or purpose of the
19 groundwater extraction system is to prevent offsite
20 migration of that contaminated groundwater. We
21 want to begin to pull it back from offsite. We
22 want to prevent the migration into the Toms River
23 and we also want to maintain the water table levels
24 below the contaminated source areas to control the
25 leaching of contaminants, which I'll show you in a

1 minute in another diagram. But the point is we
2 need to try as best as possible to pull the
3 groundwater contamination plume back again, back
4 onto the site, out of the ground and then to treat
5 it.

6 Was there a slide skipped? If we can go to
7 the next slide, this is, again, a simplistic
8 schematic diagram of what the extraction system is
9 intended to do. The red well in the center
10 represents an extraction well. The idea is to pull
11 the water back and at a faster rate than it is now
12 going off from the sources, so that you essentially
13 overcome the present flow, pull the water back,
14 pull it out of the ground and treat it.

15 A couple of things to note of importance,
16 one is not only ultimately pull it away from the
17 river and stop the flow into the river, but you
18 also pull it hard enough that you have an upward
19 flow from the lower aquifer into the upper aquifer,
20 so that you take any contaminants in that lower
21 aquifer, begin it, pull it to the upper aquifer and
22 out. That pump process should also provide a good
23 barrier so that the contaminants no longer go into
24 that lower aquifer that's depicted by the fact --
25 by the arrows in the brown section in that

1 semi-confining area, all go up. The idea is pull
2 hard, essentially creating a strong pull to get it
3 all back and into the various wells and out of the
4 ground.

5 The description I had for one purpose
6 showing in the next diagram, the current, some of
7 the contaminated areas have the water table below
8 the ground, touches the sources which provide a
9 quicker way for the contaminants to get into the
10 groundwater. What we expect to happen, we will
11 pull the water table down, lower the water table
12 enough that it doesn't, no longer touches the
13 source areas, which will not stop, but it will slow
14 the rate. You will still have rain water everytime
15 it rains. It still leaches into the ground, but
16 then -- into the groundwater, but then the pumping
17 system in turn pulls it back again. The point is
18 you don't completely deal with it. You ought to be
19 able to reduce the amount of contaminants going
20 into the groundwater.

21 The next schematic shows essentially, and
22 this is not where the wells will be, I want to
23 point that out, this gives us a surface view. It
24 will pull the water from a number of locations
25 towards those blue spots and they -- where those

1 blue spots ultimately ran, how many of them will be
2 determined during the design stage of the work on
3 the site, but the pull will be to those wells and
4 initially start to pull back.

5 Now, there are various groundwater
6 treatment alternatives. If I can on this list,
7 we'll start first with the last of them, the fifth,
8 because that involves one that did not involve
9 pulling water out of the ground. It is known as
10 in-situ bioreclamation. Essentially you put bugs
11 in the ground and have them eat the contaminants.
12 That is a measure that has to be effective
13 primarily in areas where you have a single source
14 of contaminants, primarily organic contaminants and
15 in a fairly small defined area.

16 We signed Records of Decision, I signed one
17 myself at the Menorah (phonetic) Superfund site
18 near Exit 9 on the Turnpike. We used
19 bioreclamation. Our other process of -- we're in
20 the final stages of actually using it, but in this
21 situation we decided it was not feasible or
22 practical for several reasons. One is just the
23 nature of contaminants. There are a great number
24 of contaminants. They're not only organic
25 contaminants, inorganic contaminants as well. The

1 second reason is just the breadth and scope of the
2 problem, it is a much bigger area to have to deal
3 with, not one readily handled by bioreclamation.

4 Generally speaking, it is felt that just
5 was not something that we -- technology just cannot
6 bear at this point to handle a site like this from
7 a bioreclamation standpoint. So, we ruled that
8 out.

9 So, we are then left with a number of
10 extraction alternatives. Excuse me. After
11 extracting the groundwater and deciding it is
12 better to extract it than to try to treat it in the
13 ground, once we pull out the groundwater the
14 question is how you treat it We considered at the
15 time, first of all, putting through the existing
16 Ciba-Geigy waste water treatment plant, combining
17 the waste water from the facility itself with the
18 groundwater, combining to treating it in their
19 facility, which treats it at what's known as the
20 Church Street zone, which is the advanced, your
21 primary, secondary and tertiary levels. The
22 current level is being used at that location to
23 confine the facility with the contaminated
24 groundwater, treated in this water.

25 The second operation is to treat it in the

1 existing Ciba plant, modify the plant so that the
2 groundwater is separated from the process waste
3 from the facility itself. The feeling was we
4 needed to look at that strongly, because there is
5 such a strong, large concentration of groundwater,
6 that we're dealing with the process waste in such a
7 fashion that the overall treatment is not as
8 complete and full as you would have if you were
9 able to separate these waste things and deal with
10 them separately.

11 The third option we looked at is building
12 an entire separate facility on the site itself,
13 very similar to the one that's there now or the
14 tertiary level, so that it was clearly distinct
15 from the facility. Right now the facility is in
16 existence, big enough and essentially has a
17 redundant system. It's almost two facilities in
18 one that are there now. You could separate them
19 out. That's the second option, that the third was
20 the feeling that if you wanted to really go further
21 and fourth, to use the Ocean County Utilities
22 Authority. In the end, we ruled that out for a
23 couple of reasons.

24 First of all, the flow would expect, which
25 at the moment has been estimated at four million

1 gallons a day, although it could be three, it could
2 be five. We're not exactly sure of that number.
3 It would be -- in the end it would be treated. So,
4 it was felt that even with the expansion plans that
5 they have, most of those expansion plans and packed
6 capacity has been spoken for. It is felt it could
7 be not taken for that as well as the Ocean County
8 Treatment facility is a secondary treatment
9 facility. It is not advanced as exists at the
10 Ciba-Geigy site. For those two primary reasons we
11 determined not to use the OCUA.

12 In the end and from subsequent
13 conversations when I issued the preferred remedial
14 plan on June 23rd, I set my mind way open on
15 whether we choose the second or third option, that
16 it was important pretty much to, we thought, to
17 separate it. We really hadn't finally decided
18 whether we go with one possibly and use the second
19 or third. We at this point made the decision that
20 we will indeed separate the treatment. Now,
21 whether we will build a new facility as in three or
22 modify the existing facility as in two, we have
23 determined that we do that as we work through the
24 process.

25 The point is we will separate treatment

1 processes such that the process waste will not be
2 treated from the plant with the groundwater,
3 contaminated groundwater.

4 Now, again, back to the point of what's
5 happening now, the contaminants move from the
6 source to the groundwater to the river to the
7 ocean. The discharge options for groundwater, for
8 treated groundwater which we looked at up to the
9 point of June 23rd when we had the, we issued the
10 preferred remedial plan, to treat it as depicted at
11 the top of the box, the groundwater treatment plant
12 and then the point is if we reinjected in at the
13 time we were considering the upper aquifer, one
14 that actually goes into the river, there are
15 options looked at and will be looking at that are
16 deeper aquifers that we could put this in that
17 would not end up having water go into the river,
18 ultimately.

19 But at the moment what we looked at was to
20 put the -- reinject into an aquifer that's closer
21 to the surface of the ground, which would in turn
22 go into the river and into the ocean before we
23 could put it directly into the river as depicted in
24 the river discharge box, that would go either
25 through a couple different alternatives, which I'll

1 show in another graph coming up or we could put it
2 through the Ciba-Geigy pipeline for direct
3 discharge into the ocean. The point is either
4 operation that we were looking at, it ultimately
5 would end up in the ocean.

6 As you know, you would have an additional
7 level of filtration, if you will. Probably if you
8 directly put it into the groundwater, if you
9 trickled it through some sort of groundwater, it
10 would still go into the river and the ocean. Those
11 were the options we looked at. It's a very general
12 area and does not include all the things that we
13 subsequently looked at.

14 The alternatives for the discharge of the
15 treated groundwater, as I mentioned, were aquifer
16 recharge. We could do it two different ways,
17 through actually reinjection wells, which are the
18 same sort of wells that you saw earlier, to pull
19 the water out of the ground. Those wells, we could
20 put other wells in to essentially put it back in
21 the ground. So, you pull it out of one set of
22 wells, treat it, put it back in another set of
23 wells and into the aquifer.

24 The second way you could do it instead of
25 directly through wells, which I'll go into further

1 in a minute, you could put in infiltration basins,
2 which essentially are big ponds, and those ponds
3 would have a filtering process and the material,
4 the water would filter down again into the aquifer,
5 then eventually to the river and to the ocean.

6 The second alternative was to look at the
7 Toms River itself. You could go through it
8 directly, literally put a pipe from the treatment
9 plant or into the river or, again, through a basin
10 type of discharge. We're right next to the Toms
11 River, and instead of having that pond operation
12 trickle into the ground and into the groundwater
13 and into the river, you would have a basin trickle
14 directly into the river.

15 The third option was the Atlantic Ocean,
16 could be two different ways, Ciba-Geigy outfall
17 where the Ocean County Utility outfall is. Again,
18 since we ruled out the Ocean County outfall, that
19 left us with the Atlantic Ocean, the possibility of
20 only the Ciba-Geigy facility.

21 We at the time talked about the
22 disadvantages of reinjection. To us as we reviewed
23 the situation, we felt that the reinjection
24 alternative might cause the groundwater
25 contamination to migrate down into deeper aquifers.

1 In other words, if you put the contaminated -- I
2 mean the clean water, now you've taken it out of
3 the ground, you've treated it. Now you got to do
4 something with it. You put it back in the ground,
5 you run the risk of driving contaminants if there
6 are contaminants below it, deeper into the aquifers
7 that are deeper than the surface one. So, you
8 could essentially be pushing the contamination
9 remaining in the ground further down.

10 The second is when you reinject water at a
11 heavy rate, like four million gallons a day, you're
12 putting that much water back in the ground. You
13 create under the ground a mound effect.
14 Essentially, the water gets the shape of a mound
15 and then what happens is the groundwater may not
16 always flow as we showed you earlier always in the
17 direction toward the Toms River. You may upset
18 that natural flow such that you start pushing
19 groundwater in different directions.

20 Our concern was when we had looked at
21 reinjection we had looked at along the northwest
22 portion of the site in the area that we know at the
23 moment anyway not to be contaminated. So, we put
24 it in an uncontaminated area after treatment, that
25 is right next to Pine Lake Park. We felt that if

1 we put it in there and the water started mounding,
2 it may push contamination that is already in the
3 Pine Lake area from, we think, another source.

4 There are enough unknowns associated with that, we
5 felt that would be a problem. Also, from a health
6 risk standpoint, analyzing health risk that we do
7 as part of our process, having a greater risk than
8 either the river discharge or the ocean discharge.

9 Finally, it would be less reliable,
10 engineering problems and geological uncertainty,
11 some of the geological uncertainties I explained to
12 you. There are some other uncertainties from a
13 technical standpoint.

14 As you reinject there is a chemical process
15 that occurs with the iron that is in the water
16 naturally. There is iron and that naturally occurs
17 in the groundwater there. It could end up
18 essentially clogging the wells themselves and you
19 end up having a difficult time with maintenance to
20 make sure that your wells are continuing to
21 function properly, allowing you to get that water
22 into the ground. Looking at those, we felt there
23 were enough unknowns associated with reinjection,
24 we felt at that time we had -- it was not the best
25 alternative to choose. That left us with either

1 the ocean outfall or the Toms River.

2 Depicted in this slide is the preferred
3 remedial action. We extract the contaminated
4 groundwater to five parts per billion level, which
5 is a measure of how much contamination there is.
6 Then we treat the contaminated groundwater in a
7 site separately from the process waste. Finally,
8 you discharge to the surface water source. We said
9 that while our preferred alternative was the use of
10 the ocean outfall from the Ciba-Geigy facility,
11 from an economic and environmental standpoint and
12 also of sufficiently low risk was the alternative
13 to use the Toms River, that we could do that as
14 well.

15 Now, we said fully recognizing the problems
16 and concerns of the general public and elected and
17 appointed officials alike about the Ciba-Geigy
18 outfall, we recognize that. We did this strictly
19 from the standpoint that, in our estimation of what
20 was the best choice from a public health and
21 environmental standpoint in terms of the possible
22 exposures to people of contaminants, and so we use
23 our preferred alternative, the ocean outfall and
24 possibly being the Toms River.

25 Now, this final slide that's up there is

1 just showing you, possibly it's a little out of
2 order, of the basin and discharge into the Toms
3 River as opposed to maybe the groundwater. You
4 treat the water, put that into a basin and let it
5 go right into the Toms River.

6 Now, subsequent to the June 23rd meeting --
7 excuse me, the June 23rd preferred remedial
8 alternative release where I briefed people here in
9 Ocean County, and then I went over, I had a
10 briefing with members of the press and I briefed
11 folks in Trenton in the legislature subsequent to
12 that, why we still believe that the ocean outfall
13 represents the most protective of public health and
14 to the environment. Again, we recognize that is
15 from a relative risk standpoint. What I mean by
16 that, again, is that relative to using the river,
17 we're using the reinjection I gave, putting it into
18 the groundwater.

19 Relatively speaking, the least risk
20 alternative was the ocean outfall. We still
21 believe to this point that that is the best.
22 However, we recognize a strong community concern on
23 this. It has been reflected not only through
24 various comments people made in newspapers and
25 various media sources, but through individual

1 meetings, through group meetings and so on. We
2 felt that critical to set up a process, again, as
3 recommended by the Ocean County Citizens For Clean
4 Water, that was broader in scope than the Ocean
5 County Citizens For Clean Water group themselves.
6 We then sent letters to what we believe was, with
7 the help of OCCCW, literally all the possible
8 groups that might be interested in this issue and
9 want to express their feelings in a formal fashion.

10 We've invited all the elected officials
11 along the pipeline. We have invited state elected
12 officials. We have invited environmental groups
13 and other citizen groups and we have twice now met,
14 the most recent time was three o'clock this
15 afternoon, where we talked through the concerns of
16 the community. Out of those concerns have come a
17 number of things.

18 First of all, that in people's mind we need
19 to fully look at the recharge alternative into the
20 ground where we not only look at some of the upper
21 aquifers, but possibly into the deeper aquifers.
22 We've talked about a number of ways to deal with
23 this groundwater other than putting it into the
24 ocean or into the Toms River. As we indicated,
25 that is I've indicated publicly, we feel strongly

1 that -- I mean we feel that we are required by law
2 to give you our preferred alternative, which we
3 did, but I want to assure you we remain open to go
4 through the process fully in the community and all
5 the participation in the groups, I indicated, to
6 try to fully examine all the possible alternatives
7 and come up with one that not only meets the
8 environmental and health standards that we need to
9 meet, and that has to be our first and foremost
10 concern, but then also meets the general concerns
11 of the community, the impact on tourism, for
12 example, or any other concerns people have with
13 respect to that pipeline. We are very aware of the
14 concerns of this community and we are trying to
15 reflect our concern by having this process move
16 forward involving all these groups.

17 Ultimately, the purpose is essentially
18 fivefold. The purpose of the group is first to
19 examine all the practical options for first
20 treating the groundwater; second, discharging the
21 treated groundwater, in other words, where are we
22 going to put it; third, monitoring the conformance
23 of the cleanup, in other words, how are we
24 overseeing once this cleanup starts, how are we
25 overseeing the process to make sure how it's going

1 to be done as it was supposed to be done and
2 completed as it was supposed to be done; the
3 fourth, to identify as fully as possible a schedule
4 for future studies associated with the sources
5 themselves. We are fully aware of the fact -- I'm
6 not dealing with the sources here. We're only
7 dealing with the contaminated groundwater, but the
8 sources we are going to try on the Record of
9 Decision to include it, a schedule of activity and
10 projected timetable for how and when, I mean not
11 the how so much as the when, we will deal with the
12 various sources on the site themselves. The final
13 objective is to review the pipeline itself with
14 respect to all information known about past leaks
15 from the pipeline to determine whether there have
16 been any that have not been dealt with in some
17 fashion or another, which goes on above and beyond
18 the monitoring program which is in place. There is
19 a monitoring process all along the pipeline.

20 Now, we will try to get a -- combine all
21 the information that Ciba-Geigy, the EPA, the New
22 Jersey Environmental Protection has and the various
23 groups of citizens have with respect to wells along
24 the pipeline, analyze that and see how we need to
25 deal with that.

1 Those represent the goal, the purpose,
2 essentially, of the group. I think I can say to
3 you tonight that that group is fully and totally
4 representative of every interest group that has
5 expressed an interest in being involved. We have
6 not excluded any one of the processes, that anybody
7 who represents a group can sit at the table from
8 this area, one person per group and anybody else
9 that wants to participate can sit and listen as
10 they wish, but the various groups, one per group at
11 a table. We have some thirty-five people, I think,
12 right now working this process through, again, with
13 the goal toward trying to come up with a consensus
14 decision by September 30.

15 I'll underscore again that while we hope to
16 reach a consensus on this in the end, by law, this
17 is EPA's responsibility to make the final decision.
18 That will be as of Monday in the direction of my
19 duty, Bill Muszynski, but acting Commissioner of
20 the Department of Environmental Protection I will
21 also have to concur on whatever occurs. So, there
22 are several checkpoints along the way as well as
23 the group itself, but ultimately it's the decision
24 of the Environmental Protection Agency that has to
25 be made. So, that's where we are, where we've

1 been, I should say. It's where we are today. We
2 are committed to getting a solution that makes the
3 most sense for everybody involved and most
4 importantly, for the public health and environment.

5 With that, I'd like to entertain comments.
6 I have a list of people that have spoken. We are
7 going with elected officials first, then we have, I
8 think, a couple of candidates as well for elected
9 office after elected officials and then various
10 community groups that want to be represented.

11 First we would urge you, if possible, to
12 please keep your comments to five minutes.
13 Obviously, if there's a real urgent feeling to go
14 beyond that, we will comply, but there are a number
15 of people that want to speak and we try to -- we
16 would like everybody to have an opportunity to
17 speak. So, if you could, we would urge you,
18 please, to limit your comments to five minutes. We
19 will then if there are questions, we will try to
20 answer them. After all the speeches and comments
21 are made, the questions are asked in a formal
22 fashion, we will entertain any questions to the
23 floor and anything you might have.

24 With that, if I may, Assemblyman John Paul
25 Doyle, District 10, speaking for himself and I

1 believe Frank Lautenberg. Are you here?

2 MS. LYNCH-FORD: I'm Marlene Lynch-Ford,
3 F-o-r-d. I was asked by Senator Lautenberg in his
4 absence and in the absence of Assemblyman Doyle who
5 had to momentarily leave, to give his comments for
6 the record and then, with your indulgences, I will
7 do that.

8 From Senator Lautenberg, although I'm not
9 able to be here tonight, I am deeply concerned
10 about assuring the citizens of Toms River and Ocean
11 County the most stringent cleanup the Superfund Law
12 affords will be applied here.

13 We cannot come forward with a Superfund
14 cleanup that uses the ocean as a dumping ground or
15 one that will not or a cleanup plan that does not
16 have the support of the affected residents.

17 It's time to develop alternatives that will
18 get the job done without creating new environmental
19 and health problems.

20 I'm pleased that the EPA has recently
21 decided to follow my April recommendation of
22 assuring that concerned citizens have the
23 opportunity to raise additional views before a
24 final decision is made.

25 We worked hard in the Superfund

1 reauthorization to assure citizen participation.
2 We knew that a Superfund proposal by EPA will not
3 be workable unless it has the support of the people
4 it affects.

5 EPA has the responsibility to justify its
6 proposals and to assure citizens, local and state
7 officials, that any cleanup will be effective and
8 safe. In my judgment, the proposal to use the
9 Ciba-Geigy pipeline fails that test, and should be
10 withdrawn. EPA should only go ahead with a cleanup
11 plan that meets community approval and passes the
12 stringent environmental and health standards of the
13 Superfund law.

14 That's his brief. I would submit it, for
15 the record.

16 MR. DAGGETT: For those of you who have a
17 formal statement that is in writing, we would
18 appreciate if you would give it to the young woman
19 who is taking the transcription of this whole
20 process. As part of the process we must respond
21 formally in what is called a responsive summary to
22 all comments that are made throughout the public
23 comment period, so if you have formally written
24 comments. Otherwise we will do the best we can to
25 pick up what you say through the transcription.

1 The second speaker is Senator Frank Pallone
2 speaking for himself, State Senator John Russo.

3 SENATOR PALLONE: Thank you, Mr. Daggett.
4 Senator Russo was here earlier, had to leave a few
5 minutes ago. I will be speaking on his behalf as
6 well as for myself.

7 I don't think that there's any question at
8 this point that ocean pollution in the state, our
9 ocean is in a crisis situation and I think that
10 we're faced with a situation where the ocean, which
11 really is a national treasure, is in danger, very
12 quickly becoming a national disgrace. And it's for
13 that reason that I am really shocked that the ocean
14 is even considered as an alternative tonight for
15 the Superfund groundwater.

16 I think it's particularly a disgrace
17 because it was only about four months ago, I think
18 it was late March or early April, that I was here
19 at a previous hearing and the outcry, the demand
20 was incredible saying that that pipeline should be
21 closed and that that pipeline should not be used
22 for Ciba-Geigy's operation let alone for the
23 Superfund cleanup. And yet we're here tonight, and
24 with considering that again as an alternative, in
25 fact, preferred alternative. I have to add, too,

1 we really wouldn't be here tonight, but I wanted to
2 speak for Senator Russo. Particularly we wouldn't
3 be here tonight if it wasn't for the fact that
4 Senator Russo's bill that would close the pipeline
5 hadn't passed the assembly.

6 That bill was proposed by Senator Russo
7 almost a year ago, if not before that. It was
8 recommended by the Senate Special Committee,
9 bipartisan committee representing both parties, and
10 it passed the state senate with a fairly large
11 vote. It went over to the assembly and I had to
12 wait till the bill reached the assembly. I read in
13 the newspapers a few days later that you had asked
14 the speaker of the assembly to delay action on the
15 bill, to not have the assembly vote, and that I was
16 even more shocked when the speaker acquiesced in
17 that request and delayed the vote on the bill, but
18 I found out a little information tonight that was
19 brought to my attention for the first time. I
20 happened to see the Election Law Commission report
21 where you have to report the finances, the money
22 that you receive for contributions to campaign.
23 This document, I'll hold it up, was just released
24 on July 15th. It has a very interesting notation
25 in it. It shows that on April 4th, which was just

1 a few days after that last hearing that we had on
2 Ciba-Geigy and a few days after that, a few days
3 after, my recollection is when we were talking
4 about Ciba-Geigy, this is April 4th, and it shows
5 that Speaker Chuck Hardwick received a three
6 thousand dollar donation from the Ciba-Geigy
7 Corporation.

8 So, I guess it's no surprise that Speaker
9 Hardwick granted your request to delay the vote
10 being he was given such a large contribution from
11 the Ciba-Geigy Corporation, and I guess it's also
12 no surprise that the entire assembly leadership,
13 that the assembly leader majority either abstained
14 or voted against the bill when it came up from the
15 assembly. I guess it's no surprise we haven't
16 heard about that bill again. I'm just waiting for
17 the time government officials like yourself to wake
18 up and are going to realize that the big message
19 out there is that people want ocean dumping to
20 stop. They want to -- I don't know how many more
21 times we have to go out on that beach and say save
22 our oceans and scream it and say it louder.
23 Sometimes it doesn't seem to matter, but I know it
24 does matter.

25 I should also say Senator Russo didn't ask

1 me to bring up about Speaker Hardwick or your role.
2 That was my own statement in that regard.

3 What I'm asking tonight, what I'm asking
4 tonight is for the EPA, Environmental Protection
5 Agency to adopt a new policy. I'll call it a clean
6 ocean policy. That policy should be we're not
7 going to have anymore Ciba-Geigy outfall pipes.
8 We're not going to have anymore sludge dumping in
9 the ocean. We're not going to have anymore wood
10 burning off the coast, and when we start with that
11 clean ocean policy we're going to be in better
12 shape, because it relates to the clean ocean
13 policy.

14 I was in the House of Representatives this
15 morning. I appeared before the House Public Works
16 Committee. I appeared on Senator Lautenberg's bill
17 that would put an end to ocean dumping, of sewage
18 dumping by 1992. After I spoke in support of the
19 bill, do you know who followed me up there? The
20 EPA official, Mr. Tutor Davies or Davies Tutor from
21 your office, from your region got up and he said,
22 oh, that's terrible. I wasn't there at the time.
23 He talked to me in advance. He had a statement for
24 the people from your office, had a statement that
25 was going to say that they couldn't meet the 1992

1 deadline, that that 1992 deadline was just
2 impossible to meet, and says we can't meet the
3 deadline. Please don't pass it that way.

4 Let's start now. Let's start now with this
5 clean ocean. Whether it's sludge, whether it's
6 Ciba-Geigy, whether it's wood burning, let's say
7 the ocean is out. We're not using the ocean
8 anymore. It's not an alternative. We thank you.

9 I'm a little concerned. I'm a little
10 concerned about the opening tonight and the focus.
11 I just wanted to say one more thing that I'm
12 concerned about. When you had your session with
13 the state legislators and the public last time, I
14 was concerned that I perceived what I see is kind
15 of a divided policy up on that board. There were a
16 number of alternatives. We basically preferred the
17 alternative of the ocean outfall. If we can't do
18 that maybe we can throw it in the Toms River. It
19 just seemed as if you were basically saying to
20 those who are concerned about the environment,
21 well, you know, you only have two alternatives.
22 They're both bad. So, you can decide which one you
23 want. I see that happening to some extent. I
24 don't think it's going to happen tonight, but I
25 would just urge don't be deceived by this policy

1 that says you don't have any alternative, because
2 there are really other alternatives. That's why I
3 urge you here tonight. I know there are
4 environmental groups that are going to get up here
5 and talk about 12 or 13 points they have, but the
6 bottom line is the outfall is out. The Toms River
7 is out, and the other alternatives that have been
8 put up there, the talk about reinjection might be
9 okay, but I don't want it if it's going to mean
10 that we're going to be contaminating other areas
11 with that pollution.

12 There were other alternatives that were
13 brought up there. It seems to be, it's incumbent
14 upon you to find another alternative. I would ask
15 you to withdraw the outfall, withdraw the Toms
16 River as the alternative. Look at other
17 alternatives, which I know the technology is out
18 there. They may cost more, but the cost is not
19 what we should be concerned about.

20 MR. DAGGETT: What we have done with
21 respect to the ocean underground program, what
22 we've done and how we have done it, I'll do that in
23 any forum that you want to do it in. I'll be happy
24 to talk to you.

25 Secondly, I feel I need to respond to --

1 please allow me the courtesy to complete my
2 comment. I would like to be able to comment on
3 your statement about my asking Speaker Hardwick to
4 delay the action on the bill. Indeed it is true
5 that I asked the speaker to do that. That is
6 exactly right, and I asked him for a very specific
7 reason and that was to -- I felt it was important.
8 I'd like to say that I did that at the time for a
9 very specific reason, that is that I felt it was
10 important for the legislature, before they voted on
11 that bill, to have all the information that we had
12 at our disposal with respect to the Superfund site
13 and how we wanted to clean it up prior to the vote.

14 I asked for that and I was granted that in
15 the form of a delay of the decision. Once we
16 announced what we wanted to do, you know perfectly
17 well that I said publicly and privately to many
18 people that the decision with respect to that
19 pipeline, as far as the vote on the legislation,
20 did not need to be dependent on the -- you can
21 separate out that vote and whether or not we use
22 the outfall, 'cause even if the outfall was turned
23 down by the state assembly and the state, signed by
24 the Governor and it was closed for use by the Ciba
25 facility for process waste from its facility, I

1 said publicly then that from our perspective, from
2 a public health and environmental standpoint, only
3 the outflow would still be the alternative as the
4 most protected of the public health and the
5 environment.

6 I also said that I would be open to any
7 other discussions about other alternatives, and
8 indeed that's what the process we have set up is
9 all about. That was where I was coming from. All
10 that I'd be happy to go into any detail in any
11 forum to talk about and I'd be more than happy to
12 talk with you about it and our record and ocean
13 activities.

14 The next speaker is former Assemblyman
15 Joseph Azzolina, also a candidate for the Congress
16 in the Third District.

17 MR. AZZOLINA: I want to make it quite
18 clear that all ocean dumping must stop and no ifs
19 ands or buts. I'm not alone with this speech. I
20 have a short prepared statement, so we can get
21 right to the point and we don't have to go into a
22 lot of rigamarole.

23 It's clear that the Environmental
24 Protection Agency did not do enough to explore the
25 alternatives available to using the outflow

1 pipeline for the Superfund cleanup. The hard work
2 and persistence of groups like Ocean County
3 Citizens For Clean Water has shown that there are
4 other alternatives that the people in this area
5 feel more comfortable with, particularly the idea
6 of reinjection at the Ciba-Geigy site. That's not
7 practical.

8 We have to find out. The pipeline should
9 not be an alternative. The people of Toms River
10 have no trust left for Ciba-Geigy, and their
11 opposition to the pipeline should not be dismissed.
12 I have said many times before that I believe the
13 pipeline should be closed once and for all.

14 As we enter this cleanup program, which
15 could take thirty or more years, it is very
16 important that we involve the people who live in
17 the communities directly affected by that site. At
18 least you are working on that.

19 And that means doing more than just
20 containing the waste water problem in a way these
21 people can live with. That means working around
22 the clock to find out what is buried in those
23 hundreds of drums that caused the contamination.

24 I also believe that the state should not
25 grant any permits to Ciba-Geigy for the

1 construction of a pharmaceutical plant on the site.
2 It makes no sense to embark on a whole new
3 direction of waste generation when we have not even
4 figured out what is in the existing Superfund mess.
5 Thank you very much.

6 MR. DAGGETT: The next speaker from the
7 Ocean County Citizens For Clean Water, Kate Terry.

8 MS. TERRY: Kate Terry. I'm the President
9 of Ocean County Citizens For Clean Water.

10 As this group knows, I have been known to
11 make rather firey speeches filled with a lot of
12 anger towards regulatory agencies, but I've been
13 working for a long time on the cleanup of this
14 Superfund site, and I think one thing I have
15 learned to realize is that this is not a
16 pharmaceutical plant. This is not a generation of
17 new waste. This is a mess that we already have,
18 and we are going to have to come together as a
19 community and deal with four million gallons a day
20 for the next thirty years of Superfund waste water,
21 and the only way we're going to be able to do that
22 is to work together and come together with common
23 interests and common goals and clean up the mess
24 that Toms River Chemical and Ciba-Geigy has left in
25 our midst.

1 We have carefully reviewed the Feasibility
2 Study and consulted with professional environmental
3 scientists in preparing this statement. We are at
4 this time willing to support the first-phase goal
5 of stopping the continued movement of contaminated
6 and untreated groundwater into the Toms River. We
7 must, however, reject completely any proposal to
8 discharge the treated water via the Ciba-Geigy
9 pipeline into the ocean. Under this proposal the
10 company would continue to discharge, on a daily
11 basis, four million gallons of such treated
12 groundwater into the ocean for many years to come,
13 upwards of thirty years. The availability of the
14 pipeline for cleaning the Superfund site, with the
15 imprimatur of the federal government via the EPA,
16 would help Ciba-Geigy maintain its pipeline for
17 current industrial discharges and give support to
18 its permit applications for any new varieties of
19 discharge from its proposed pharmaceutical plant.
20 We are categorically opposed to any such
21 possibility. Instead we are determined to end the
22 use of that pipeline, as rapidly as possible, for
23 any further use as a conveyor of contaminants to
24 our oceanfront. We are convinced that far better
25 alternatives are available and such alternatives

1 can be accomplished without adverse impact upon the
2 environment and with far greater acceptability to
3 our community.

4 We are concerned and dismayed by the fact
5 that EPA has made so little progress in selecting
6 the cleanup measures for the numerous hazardous
7 waste disposal areas at the site. It is disturbing
8 to note, moreover, that with all the time that has
9 gone by in its investigations, the EPA has made
10 very little progress, if any, in characterizing the
11 precise nature and quantification of the contents
12 of the most dangerous contaminated sites within the
13 area.

14 The law requires that EPA must provide for
15 permanent protection of public health by the
16 treatment and elimination of such sources to the
17 maximum extent possible. This cannot be
18 accomplished by a pump-and-treat system alone which
19 does not deal with the inground sources of the
20 contamination. Moreover, dealing with these
21 sources must be done in a much more timely fashion
22 than has been the progress, heretofore, in EPA's
23 dealing with this site.

24 With these general observations, we offer
25 the following more specific comments and proposals:

1 While initially accepting the process of Pump and
2 Treat, we must insist that the system shall be
3 constantly monitored and regularly evaluated on a
4 frequent basis to measure and be certain of the
5 following: The performance of the purge wells in
6 preventing further groundwater migration offsite
7 and in cleaning up the plumes in the nearby Oak
8 Ridge residential area;

9 (b) The performance of any discharge
10 treatment so as to ensure that such discharge in no
11 way impairs the environment or threatens human
12 health;

13 (c) Prior to discharge, the purged
14 groundwater must be treated in such a way that all
15 of the pollutants are below detectable levels using
16 the best available technologies. To guarantee that
17 this goal is met, EPA must require a waste water
18 treatment program for the purged groundwater
19 totally separate from the current industrial
20 treatment system of Ciba-Geigy, and it must be one
21 specifically designed for the levels and types of
22 contamination present in the groundwater.

23 Any company proposal to use its current
24 waste water treatment plant and the combining of
25 the two waste streams must be rejected, since this

1 would prevent any accurate information as to the
2 true effectiveness of the treatment system.

3 We further insist that such separation of
4 treatment shall begin as rapidly as possible
5 following the onset of remedial action based on the
6 first phase Record of Decision. Moreover, in order
7 to guarantee the continued efficiency of the
8 treatment system, we would urge that such water be
9 used by Ciba-Geigy for production purposes in as
10 full quantity as may be needed at any time.

11 EPA's PRAP has proposed, as its first
12 choice, a direct discharge of treated groundwater
13 into the ocean, and as its second choice, a
14 discharge into the Toms River. We reject any
15 direct discharge of treated groundwater into the
16 ocean, bay, river or any other surface waters.

17 Any discharge alternative must be
18 accomplished in such a fashion as to prevent
19 adverse impact upon surface waters or on any
20 current or future groundwater resources.

21 There are alternative approaches which,
22 either as a sole approach or in effective
23 combinations can meet these criteria. These
24 include land-based discharges, plus groundwater
25 recharge procedures, plus schemata which have not

1 been thoroughly evaluated by EPA to date. A
2 land-based alternative offers an innovative and
3 practical sollution to the groundwater discharge
4 issue. The treated materials may be applied to the
5 land by spray irrigation and in ponds. Water in
6 such a case only reaches the river or groundwater
7 after it is trickled and filtered through upper
8 unsaturated soil layers. This offers the following
9 advantages:

10 (a) It will eliminate the current flow of
11 contaminants into the Toms River and subsequently
12 into the bay and coastal waters;

13 (b) It is compatible with efforts to
14 eliminate discharging into the ocean;

15 (c) While some of the water may reach
16 groundwaters, the system can be designed and
17 located so as to avoid any changes in the direction
18 of flow of groundwaters as might adversely affect
19 other areas such as nearby Pine Lake Park. We must
20 indicate at this point that the groundwater
21 injection model used by EPA unhappily failed to
22 take into account such directional flow changes in
23 terms of the proposed placement of its pumps.
24 Better planned models could prevent change
25 directional flows which would impact dramatically

1 upon surrounding residential areas;

2 (d) Additional purification would occur to
3 the treated water by virtue of filtration,
4 biological action, so as to maximize pollutant
5 removal while seepage takes place through upper
6 soil layers;

7 (e) It serves as a buffer even during times
8 when the treatment plant is not functioning fully;

9 and (f) It allows for full monitoring by
10 enforcement officials and citizen groups such as a
11 community task force. Such underground flows may
12 be collected and directed by installing an
13 underground tile system.

14 As stated before, far too little attention
15 has been given to the problem of contamination
16 sources on the Ciba-Geigy site such as the 100,000
17 drum disposal area. It is, of course, obvious to
18 us as it must be to EPA that without addressing the
19 old on-site waste disposal areas, the groundwater
20 will continue to become contaminated as it moves by
21 these various sources. We must, therefore, insist
22 that EPA address this problem in a vigorous and
23 most expeditious fashion without any long hiatus of
24 time while waiting for the first stage Record of
25 Decision and the installation of the Pump and Treat

1 program to take place.

2 We call for: Inclusion in the first Record
3 of Decision of a master plan, including a time-line
4 schedule for that which remains to be done to clean
5 up the site thoroughly including all possible
6 sources;

7 (b) A full and total search for any as yet
8 unknown and undisclosed contamination source sites;

9 And (c) An immediate characterization,
10 qualitatively and quantitatively, of the contents
11 of all source sites.

12 EPA must take the lead and control all
13 investigations, feasibility studies and decisions
14 made with respect to all present and future cleanup
15 of the site must be conducted by the EPA. The EPA
16 should not turn over governance of the cleanup to
17 Ciba-Geigy. The company has a very large stake in
18 holding down the cleanup and liability costs. It
19 should, therefore, not be given the opportunity to
20 design and carry out critical studies and plans for
21 total remediation, governed by such contributions.
22 Moreover, its past record of lack of concern for
23 the environment or the impact of its activities on
24 public health have not earned for it the public
25 confidence necessary to entrust it with the

16
1 governance of the cleanup which its past behavior
2 has made critically necessary.

3 Moreover, the Record of Decision must
4 include: The right of community, public agencies,
5 organizations and concerned individuals to complete
6 access of all documents and records of the cleanup
7 activities, investigation and monitoring of the
8 Superfund site.

9 It must include a declaration by EPA of its
10 intent to continue the current ongoing process of
11 negotiations and participation by representatives
12 of citizen groups that has been taking place in the
13 past year with EPA and the company.

14 That funds, in terms of sufficient
15 technical assistance grants, must be available to
16 citizens and community task forces to continue
17 having their own selected expert consultants and
18 their independent capability to monitor all
19 activities and areas requiring such oversight.

20 Because there is a threatened discharge of
21 many employee workers of Ciba-Geigy as a result of
22 the changes in the company's production patterns,
23 programs, and products, it is further strongly
24 urged that Ciba-Geigy be called upon to offer first
25 opportunities for employment in the cleanup

1 programs to any and all employees now facing
2 lay-off, over-early retirement, or discharge. We
3 urge that such workers be so employed without any
4 changes in wage-scale benefits or seniority. We
5 believe that such workers be given proper retaining
6 to fit them for any required new tasks.

7 We urge that every effort be undertaken by
8 EPA cooperatively with the public and the company
9 to seek and encourage the use of such new
10 technologies in the cleanup as may improve the
11 speed and effectiveness of attaining goals and as
12 may best protect and improve the environment and
13 public health. We urge that all Records of
14 Decision shall provide for such maximum flexibility
15 to allow for desirable innovations.

16 MR. DAGGETT: Mr. Bill Skowronski from the
17 Ocean County Citizens For Clean Water.

18 MR. SKOWRONSKI: Bill Skowronski,
19 S-k-o-w-r-o-n-s-k-i.

20 Good evening. First let me begin by
21 reiterating a few points and clarifying or
22 expanding on a few that our President Kate Terry
23 has already made. First of all, the Ocean County
24 Citizens For Clean Water clearly stands for no
25 discharge through the current pipeline, clearly

1 stands for no discharge through the current pipe.
2 The safety of that pipeline is still in question.
3 The jury is still out on the efficacy of any
4 discharge through that pipeline. As a matter of
5 fact, we have a lawsuit pending against the DEP and
6 the jury hasn't even convened on that lawsuit, but
7 when they do we are sure we will prevail in that
8 lawsuit, and I can make a prediction right now.
9 You look around you in the auditorium, you look at
10 the number of people who are opposed to the
11 pipeline and believe me, in time that pipeline will
12 be closed, but it will not be closed if the EPA
13 grants that pipeline into perpetuity, because you
14 have written it into a ROD for the cleanup of a
15 Superfund site. So, you cannot, we implore you,
16 you cannot write that pipeline into this ROD as a
17 solution for the pollution as Ciba-Geigy.

18 Somebody mentioned before that the state
19 should not allow Ciba-Geigy to be granted any
20 former plant applications pending the outcome on a
21 couple of Superfund site investigations. I turn
22 that over to you. We find it faulty that the EPA
23 can even consider allowing future construction on a
24 Superfund site as complex and comprehensive as the
25 Ciba-Geigy site. We find it incomprehensible that

1 you could allow construction to take place when the
2 extent of the contamination has not yet been fully
3 studied and is now not known to you, to us or to
4 Ciba-Geigy.

5 So, we say to you please, please come up
6 with a mandate that says and join forces with Dover
7 Township Committee to say that until such time as a
8 cleanup is started and proceeds toward completion,
9 the Ciba-Geigy Corporation cannot expand their
10 operation or change the function of their operation
11 over to a pharmaceutical plant.

12 As to the issue of Ciba-Geigy taking a
13 lead, an enforcement lead in the future RI/FS goes,
14 you have major source areas that still have to be
15 characterized. There is no way that you can allow
16 Ciba-Geigy to take the lead, do the investigation,
17 write the reports that say what the extent of the
18 contamination is, how are they best to clean it up.
19 That is a classic case of allowing the fox to watch
20 the henhouse, and we will not allow it.

21 We understand that there are areas in which
22 EPA cannot move as quickly as a private corporation
23 can move in terms of bidding and in terms of
24 getting contractors to get out there and do some of
25 the work, such as the well drilling and some of the

1 analytical work, but what we might be able to
2 suggest pending future meetings and negotiations,
3 what we might be able to compromise on is allowing
4 Ciba-Geigy to do the grunt work, allow Ciba-Geigy
5 to get out there and to hire those drillers to put
6 the wells in, with one hundred percent field
7 supervision by you, by the agency, and allow them
8 to expedite matters quickly, but all analytical
9 work and all report writing as of now and until
10 such time as we reach a compromise, our position is
11 no. They cannot do that kind of work and no,
12 nothing should be turned over to them.

13 We thank you for your position regarding
14 separation of treatment. As you know, that has
15 been an uphill battle as far as the Ocean County
16 Citizens For Clean Water is concerned. Ciba-Geigy
17 went into this process asking that their treatment
18 plant function as both a treatment facility for the
19 purge water and for their process water. So, you
20 have taken a step in the right direction by at
21 least separating out the treatment.

22 The issue becomes the discharge where after
23 it's treated and after it's treated to the highest
24 possible standard, not standard, but the highest
25 technology available, somewhere this material has

1 got to flow.

2 We made in the statement that Kate Terry
3 read, we made certain recommendations, but they
4 weren't made in any priority order. Let me put
5 those in priority order. First and foremost, if
6 that material is cleaned up to the standard that's
7 been suggested and been suggested by our
8 environmental groups as they stand up here, we see
9 no reason why the Ciba-Geigy Corporation cannot use
10 that material as to the best extent possible for
11 their process water. That's number one priority.

12 Number two priority, what remains, if
13 anything remains, should we look at the idea of
14 reinjecting it into the ground in such a manner
15 that it does not cause the vertical migration of
16 contaminants into pristine aquifers nor horizontal
17 movements offsite from the Ciba-Geigy plant.

18 Possibly, and scenarios have been presented
19 by our consultant Dr. Ben Ross, but possibly
20 reinjection into the aquifer, which would allow
21 this material to continually flush down into the
22 purge wells once the source is removed from that
23 site, and we hope that that's rather quickly, but
24 once those sources are removed it is quite possible
25 that the reinjection scenarios could include

1 upgrading reinjection, downgrading, purging with an
2 endless cycle of material flowing around until
3 ultimately the water becomes cleaner and cleaner
4 and cleaner, continually recycling.

5 If the groundwater reinjection scenarios as
6 presented by our consultant and other environmental
7 groups, will not work, if you must go to some form
8 of a surface water discharge, we say to you that
9 that surface water discharge cannot be through any
10 kind of a pipe. We have already taken a stance on
11 no pipeline into the ocean, but if it has to go
12 into the river it cannot go into the river through
13 a pipeline. The Ciba-Geigy Corporation doesn't
14 deserve a pipeline to anywhere. We heard too many
15 rumors about what has been discharged through the
16 pipeline and we know too well that once material
17 goes out to a pipeline, it is done and it is gone
18 forever. And the liability of -- believe me, we've
19 been trying to blame the liability of the condition
20 of the ocean water sediments on Ciba-Geigy and we
21 have been beaten around the bush on that issue.
22 Once it's out in a body, surface body it is
23 impossible to pin the liability at Ciba-Geigy's
24 door step and we will not allow that to happen in
25 the future.

1 Kate Terry spoke of in the event that it
2 has to be discharged to a surface body, she spoke
3 of a buffered river recharge or a buffered river
4 discharge, which one of our consultants will get up
5 and speak about the advantage of that, but let me
6 say this: Right now the water that you're
7 proposing to purge from the ground flows into the
8 Toms River. Thanks to Ciba-Geigy it flows into the
9 Toms River with a toxic soup of chemicals present
10 in it. We are proposing that that material be
11 purged and have the contaminants removed to the
12 best possible technology available, and then be
13 allowed to continue its flow into the river where
14 it belongs, where it was destined, minus the
15 contaminants, but not in the manner that it would
16 go in through a pipeline but, rather, through some
17 sort of a seepage basin, some form of a buffered
18 discharge or recharge which would allow this
19 material to collect and slowly seep into the river
20 through the ground or through a tile drain system,
21 through possibly a filter medium by fish life or
22 some form of animal life or plant life that would
23 exist in this pond, that would allow us not on a
24 twenty-four hour basis, because nobody is going to
25 monitor Ciba-Geigy on a twenty-four hour basis, we

1 can have access to it, because I have no intention
2 of living my life out there but, rather, from time
3 to time we could go out there and whether the
4 material was discharged two weeks ago or not, by
5 taking borings of the basin, of that pond, we could
6 determine if violations occurred.

7 And this buffered river discharge or
8 recharge if you wish to call it, would serve that
9 kind of a purpose and help us to watch them
10 carefully and prevent them from direct discharge
11 into any body of water.

12 And lastly, you have before you a report by
13 Ciba-Geigy regarding the addition of monitoring
14 wells. Our consultant, our groundwater
15 hydrogeologist, Dr. Ben Ross, had spoken to EPA at
16 a series of meetings that we had regarding data
17 gaps that exist, and he will get up and speak about
18 those in more detail. Not enough is known, is
19 certain about aquifers, particularly aquifers with
20 which we drink water or from which we drink water.
21 Those data gaps have to be filled.

22 Dr. Ross has completed a study and a review
23 of Ciba-Geigy's study on where these monitoring
24 wells should go. We will give you a copy of that
25 report. We hope that you would consider

1 Ciba-Geigy's suggestions for monitoring, with the
2 compromises as proposed by Dr. Ross, and please
3 install those monitoring wells prior to a ROD.
4 There is no reason why we should wait to accumulate
5 additional, absolutely necessary data while we wait
6 for the agency to develop their Record of Decision.
7 That's my statement. Thank you very much.

8 MR. DAGGETT: May I emphasize here and urge
9 people to please keep comments to five minutes. If
10 you wish, I'd be happy to sit here as long as you
11 make comments. If everyone is fifteen, twenty
12 minutes I think we're going to be here for a long
13 time and the point is out of respect for the other
14 people who would like to speak, I would urge people
15 to please keep their comments to five minutes. The
16 comments will be formally entered into the written
17 record. If people want to submit something, I'd be
18 happy to do it but, again, to give people all an
19 opportunity to speak, I'd urge you to keep it
20 brief.

21 Ben Ross from the Ocean County Citizens For
22 Clean Water.

23 MR. ROSS: I'm Ben Ross. I'm a consultant
24 to the Ocean County Citizens For Clean Water. I
25 mean after hearing the last two talks I'm not

1 entirely sure why they may need a consultant, but
2 they've asked me to go ahead and speak a little
3 about the data gaps that Bill Skowronski has
4 mentioned. I think one of the things that's most
5 disturbing about this site is that after so many
6 years of study, we learn now the company has been
7 studying groundwater for contamination there for
8 almost thirty years. EPA has been working on it
9 for four years. There are still a large number of
10 gaps in what we know about the groundwater
11 contamination, let alone the gaps that we know
12 about the sources, and since it's easy for people
13 to think that after all this study they must at
14 least know where the contaminated groundwater is.

15 I just wanted to quickly go through what
16 the unknowns are if the EPA folks would agree to
17 put back up a couple of the slides. First, number
18 11, as you can see, there are two main aquifers for
19 groundwater bearing beds in this site. The lower
20 one, which EPA calls the semi-confined aquifer is
21 a -- flows, we think, but we're not sure,
22 underneath the Toms River and then goes towards the
23 Toms River Water Company's wells. The upper one,
24 most or all of it goes, flows from the plant into
25 the Toms River.

1 Now, if we look at the map on the other
2 slide, first about the upper part of the upper
3 aquifer, that also is a major water supply for the
4 Toms River area, but it appears that the
5 contamination coming out of the plant is going to
6 the Toms River. Now, that's the area where the
7 plume is best understood, but still in the northern
8 part of the plant near this guard area we really
9 don't know whether there's a contamination problem.

10 In the area directly east of the plant and
11 in the area southeast of the plant, down Cardinal
12 Drive, you do know that that area is contaminated.
13 In the southernmost area around down towards Route
14 37, there is some kind of contaminating going on
15 there. We have a general idea of what's going on,
16 but I think everyone agrees that there needs to be
17 some more definition of what's going on there.

18 Now, next we'll talk about the lowest part
19 of that lower aquifer. Now, up until a few months
20 ago that was believed to to contaminated.
21 Ciba-Geigy had went out in December and February
22 and took some samples, and not only did they
23 analyze them for the toxic contaminants that we
24 know were at this site, they also looked for
25 bromide and sulfate and some other things, and they

1 found high levels of bromide and sulfate.

2 Now, bromide and sulfate are not in
3 themselves toxic. If you ate them by the pound it
4 wouldn't be good for you. They're not really
5 considered toxic substances. However, they come
6 out of the source, of the same source areas and
7 they move faster than the toxics. So, what we mean
8 by this is it's the company's interpretation as
9 well as ours, and I don't believe EPA has any
10 disagreement with it, that the toxic contamination
11 is moving towards this layer, if it hasn't gotten
12 there yet.

13 Now, there's a catch here. All of the
14 wells that rope in this layer are in the northern
15 part of the plume, areas sort of due east of the
16 plant. The area further south around the drum dump
17 and towards Mary Drive, there are no wells
18 whatsoever in this intermediate layer. So, we
19 don't know whether this area is contaminated or
20 whether it's totally contaminated. We just don't
21 know. There's no wells.

22 Now, finally, I'll talk about the deepest
23 layer now. This one is really crucial, because
24 probably the water under the plant in this layer is
25 flowing right towards the Toms River Water Company

1 wells. Now, in this area there are a number of
2 wells in this layer that are pretty well scattered
3 out around. Although I think a few more are
4 needed, the problem is that they have never
5 analyzed these wells for any of the contaminants
6 that showed up in the middle layer. So, we don't
7 know whether these four layers are running down in
8 the lower sand aquifer.

9 So, I think it's very important when you
10 look at these alternatives, this site is not fully
11 understood. EPA still has a lot of homework to do.
12 I think I can speak for everybody. I would like to
13 see you get on the job as quickly as possible, but
14 we have to get on the job in understanding that
15 there's still a lot of work to be done and
16 understanding what the problems are and we have to
17 have some of those answers to be able to design a
18 solution. Thank you.

19 MR. DAGGETT: Dr. Henry Cole, Ocean County
20 Citizens For Clean Water.

21 DR. COLE: Dr. Henry Cole, C-o-l-e. I'm
22 the Science Director for Clean Water Action
23 Project, national environmental group whose New
24 Jersey arm is the New Jersey Environmental
25 Federation. I am consultant for the Ocean County

1 Citizens For Clean Water and have been working on
2 this project for a year, and I wanted to make some
3 comments. The hour is late. It's hot in here, so
4 I'm not going to make this very long, but I wanted
5 to say something about risk assessment and we were
6 very pleased today in the meeting at three o'clock
7 that Mr. Daggett said that he was open to looking
8 at the assumptions which were used by EPA in making
9 its risk assessment, and you will remember that in
10 risk assessments the ocean came out as the least
11 risky of the discharge alternatives, and the most
12 risky was the groundwater recharge and the river
13 alternative was somewhat less risky than the -- or
14 more risky than the ocean discharge. It came in
15 the middle.

16 Frankly, we had some very serious problems
17 with the way that the risk assessment was done and
18 we feel the effect of those problems was to make
19 the ocean look like a very good place to dump this
20 treated groundwater, and we think it's seriously
21 overstated.

22 The problems of groundwater recharge, let
23 me just give you some examples of this because it's
24 very important that this be looked at again,
25 because we don't want EPA using this risk

1 assessment to hide behind when it comes to a
2 decision on the pipeline and on choosing the
3 groundwater discharge option.

4 The groundwater recharge they assumed in
5 their analysis, the EPA, that there would be not
6 dilution of the contaminants in the treated
7 groundwater. In other words, sort of like the
8 discharge line goes directly to people's homes, and
9 they would be using that water directly.

10 Now, frankly, you would almost have to come
11 up with an engineering design to have a discharge
12 option like that. That's not at all realistic, and
13 yet that is an assumption that they use. So, it
14 gave them a high risk number for people using that.
15 There were many other problems in there, too.

16 On the ocean side of it they assumed, first
17 of all, the highest risk for both river and ocean
18 discharge was consuming fish, but they assume that
19 people eat the same amount of ocean fish as river
20 fish, and I think most of you know that you don't
21 eat many fish out of the Toms River. The fish is
22 in the ocean. Frankly, we have some problems with
23 the way that they did the risk assessment. We have
24 one consulting firm who researched, the Hamster
25 Research Institute, and that firm does risk

1 assessments. It's one of the leading firms in the
2 country in that area. They are coming up with a
3 report that critiques the way that EPA, also
4 Ciba-Geigy, did the risk analysis and suggests some
5 other assumptions. We hoped that will be looked at
6 seriously.

7 I've been in this process, the consulting
8 team that works with Ocean County Citizens that's
9 been operating for a year. I can tell you that the
10 charts they gave to us from the start was listen,
11 we want you to look for alternatives which are safe
12 and protective, and when it comes to the discharge
13 of the treated groundwater, we don't want direct
14 discharge to the ocean. We don't want direct
15 discharge to the Toms River and we do not want, we
16 do not want any form of groundwater recharge that
17 would adversely affect current or future drinking
18 water supplies.

19 And we came up with a number of proposals,
20 not just in the last few weeks, but as early as
21 January and February, which we gave to the EPA.
22 One of them was the buffer river discharge, which
23 both Kate Terry and Bill Skowronski mentioned. We
24 think that that has some real benefits. We think
25 that their records of groundwater recharge, that

1 that should be looked into.

2 Frankly, as long as EPA had the easy option
3 of using a pipeline, we don't think that they gave
4 full attention to the alternatives, the good
5 alternatives that we proposed. We hope now that
6 the process will be backtracked and that we can all
7 move forward in choosing an option which meets
8 those community standards, protect drinking water
9 standards, water supplies, not allowing the
10 discharge into our surface waters, and we think
11 there are options. We think that we have the
12 technical know-how between the agency and the
13 company and the consultants and whatnot, to choose
14 those options, but it's going to take a conscious
15 decision by EPA to decide what they will accept,
16 the criteria which the community has come up with
17 and then move forward. Thank you very much.

18 MR. DAGGETT: One comment about risk.
19 There's no question that there are challenges to
20 any assumptions. All these risk assessments when
21 everybody does it, EPA or citizens group or
22 anybody, you do it based on the number of computer
23 models. You put on the computer based on a number
24 of assumptions.

25 When one does a risk assessment one always

1 chooses the most conservative of the possible
2 exposures, so that you can get a worst case
3 scenario. So, yes, it's true we assume that if it
4 was going to go in the ground that one would be
5 drinking it, because the group exposure from
6 groundwater to a person is drinking.

7 By the same token, when we looked at the
8 river or the ocean we then assumed that not all the
9 people would drink it, because people don't drink
10 river water or ocean water. They are exposed to
11 contaminants through eat fishing. When we made the
12 assumptions there, we also made equally what we
13 consider some outrageous assumptions. Someone
14 would eat fish from either the river or the ocean
15 every day for 70 years to get the worst case
16 assumption. We chose the worst case assumptions
17 everytime.

18 By the same token, and I appreciate Mr.
19 Cole saying this, it's true. We have said in the
20 public forum this afternoon and we are committed to
21 doing this. We think the starting point of the
22 question of risk should be that we lay out on the
23 table everyone's assumptions, try to come to an
24 agreement on which set of assumptions best reflects
25 what you ought to do here, and we put those

1. assumptions that we agreed on into the risk models
2 and come out, hopefully, with some answers that
3 everyone can agree on. So, we are committed to
4 having a review of the various assumptions that go
5 into it, but in all cases the process is you choose
6 and you work with the worst case assumptions
7 normally, so that you can -- I mean, excuse me,
8 that you assume certain things so you can establish
9 a worst case scenario of exposure, but we will
10 continue to work with the group we established
11 through this process to try to come to a general
12 agreement on what the real risk numbers are,
13 whether it be ocean, river or groundwater. We are
14 not hiding behind our risk assumptions nor are
15 we -- I can assure you we are opening this process
16 and doing it in public review.

17 Mr. Stan Raymond, Ocean County Citizens for
18 Clean Water.

19 MR. RAYMOND: Stan Raymond. I'm with the
20 Ocean County Citizens For Clean Water. I just want
21 to take a real quick moment to give you a little
22 bit of history about our group. If you will
23 remember, our group formed because of a break in
24 the pipeline in 1984. At that point there was some
25 deep concern as to what the contamination along the

1 pipeline might be.

2 About a year or so later after the permit
3 was granted to Ciba-Geigy for the continued use of
4 the pipeline, and we found out that the monitoring
5 laws that were supposed to go in along the pipeline
6 as part of the permit were not being installed. We
7 asked the Ocean County Health -- Board of Health to
8 sample some of the wells that were going along the
9 pipeline. As a result of that, we found that there
10 were twenty-nine wells in Shelter Cove that were
11 polluted water, and as a result of that, we got an
12 ordinance passed, which resulted in Pine Lake Park
13 discovery, Gilford Park discovered polluted water
14 and a number of other places in Ocean County.

15 But my point is that ever since this group
16 formed, we asked that the pipeline be included as
17 part of the Superfund study, and today I believe,
18 at last, I believe we've reached that tentative
19 agreement. I think that's the major step as far as
20 Superfund is concerned, but I would like to take it
21 one step further.

22 In reading recently the Time magazine
23 article on the ocean pollution issue, the EPA in
24 the northwestern region of our country, in Puget
25 Sound, has declared a part of the Tacoma Bay as a

1 Superfund site, and I think there's strong reasons
2 to consider that the end of the outfall line,
3 twenty-five hundred feet off of the ocean, which
4 has been receiving heavy discharges of toxic waste
5 for twenty years from the Ciba-Geigy pipeline out
6 to various sites, ought to be considered for a
7 Superfund site also.

8 MR. DAGGETT: We're going to take just a
9 momentary break for the person who's transcribing
10 this.

11 (Whereupon, a recess was taken.)

12 MR. DAGGETT: Would you please state and
13 spell your last name?

14 MS. ZUBCHENOK: Stephanie Zubchenok,
15 Z-u-b-c-h-e-n-o-k.

16 Tonight I'm representing not nine, but
17 eleven local groups who signed on to sixteen points
18 that we unanimously agree on and is on this list.

19 First, I'd like to mention who has signed
20 on too, Save Our Ocean, Ocean County Committee,
21 Ocean County Citizens For Clean Water, Grass Roots,
22 Environmental Organization, Citizen Conservation
23 Counsel, Stop All Incineration Now, Del-Aware
24 Unlimited, New Hope, Pennsylvania, Alliance For a
25 Living Ocean, Clean Ocean Action, Pine Lake Park,

1 ABC, and Save Our Shores Manchester Consortium.

2 If you didn't hear the first time, we
3 unanimously agree on the sixteen points and demand
4 they be included in the ROD. Whatever method or
5 combination of methods are used, no township in
6 Ocean County will be adversely affected, not
7 Manchester, not Berkeley, not Dover, not any
8 township. But separate treatment be implemented,
9 that separate waste streams, that they never touch,
10 that the water treated -- the contaminated water
11 treated to non-detectable quality, that best
12 available technology is used in that respect and
13 upgraded and updated yearly, that the water to be
14 used for all process requirements by Ciba-Geigy,
15 that this process water be treated groundwater,
16 that there are no self-monitoring by Ciba-Geigy, no
17 design plans by Ciba-Geigy, that their community
18 management and funds be made available to do that,
19 that the site be examined fence to fence, north,
20 south, east and west, that the RODs would include
21 plans for cleanup source areas and a time frame.

22 We're opposed to reinjection as far modeled
23 by the EPA. We are opposed to that reinjection
24 form of, and I'm going to use the word that you
25 used, reinjection. What I mean here is recycling.

1 Some form of recycling water that cannot be wasted.
2 This county cannot afford to throw away four
3 million gallons of water that is cleaner than the
4 water we pay for to drink, that we -- recycling can
5 be offsite and buffer river discharge should be
6 further explored and modeled, that there be no
7 direct river discharge, that there be no direct
8 ocean discharge, that there be no direct ocean
9 discharge, and last that any jobs created be first
10 offered to Ciba employees facing laying off.

11 Please understand that the environmental
12 groups of this county are in agreement. We want
13 the best available technology, the cost to
14 Ciba-Geigy. The water, this clean water cannot be
15 wasted and the pipeline is not to be used. We're
16 united on these points. We are working together
17 today and we will continue to do so until this job
18 is done.

19 MR. DAGGETT: Mr. Livelli, did you want to
20 still make a remark or is that --

21 MR. LIVELLI: Frank Livelli from Save Our
22 Ocean.

23 Chris, I wanted Stephanie to go first
24 because she expressed a whole lot of things that I
25 would have to repeat and others in the room would

1 not have to repeat. There are a couple of things I
2 think deserve some attention. One, as you know,
3 I'm on that special task force committee that you
4 have formed and I will not address the things that
5 we addressed at these committees, not to bore you,
6 but also because they're highly technical, a lot of
7 them and would take hours and hours to go over them
8 fairly, but I do want to say a couple of things
9 that have nothing to do with that and it has to do
10 with the general process that we are seeking here.

11 For one thing, I am not happy to hear you
12 and your other people mouth the PR statement of
13 Ciba-Geigy, such as tertiary treatment and that
14 kind of a deal. That, to me, is -- that could be
15 PR and it's a lousy sign in an area we're dealing
16 with in Save Our Ocean.

17 I also want to make it absolutely clear
18 that the Save Our Ocean committee has signed on and
19 totally agrees with the more than one dozen points
20 now confirmed by, as far as I know, every
21 environmental group in the State of New Jersey.
22 And to give you an idea how we feel about this,
23 this was all done within two days. And I'd like to
24 say that the recommendation was probably the most
25 decisive recommendation you can make and it's not

1 going to work.

2 Now, on to some little tidbits, for three
3 years you've investigated Ciba-Geigy's Superfund
4 site. For three years you've been in rather
5 consistent contact with the Ciba-Geigy
6 organization, and after three years of study you
7 have come up with several options for the cleanup
8 and now you give hundreds of citizens a few minutes
9 to give their comments on.

10 Now, after three years you only feel
11 comfortable to deal with the fact that the
12 groundwater is contaminated and nothing else at the
13 Ciba-Geigy site. Ciba-Geigy has known for about
14 thirty years that the groundwater was contaminated,
15 but they didn't tell you or any other agency nor
16 did they tell their neighbors while they watched
17 their neighbors and their neighbors' children play
18 and possibly drinking that water. Because it is
19 used for irrigation and every summer children will
20 always use, drink the water from their homes or
21 from their showers or they're irrigating their
22 lawns, in play, and for thirty years they knew
23 those wells were contaminated and they didn't do a
24 damn thing about it. That, to me, is a despicable
25 company.

1 Three years seems to me to be a long time
2 to come to such an obvious decision that the
3 groundwater is contaminated and has to be
4 rectified. The DEP said a couple of years ago that
5 they pump half a million gallons a day out of that
6 Superfund site, that would solve the problem and
7 stop the offsite migration, and they have the nerve
8 to come down and tell us two years later that it
9 was working, they had taken care of the groundwater
10 movement and that they did the right thing. With
11 half a million gallons a day, what you're saying is
12 what we knew all along. The DEP was lying then
13 and again. If this is how far we have gotten after
14 three years, just how ineffectual can an agency
15 get? If this is the result on a Superfund site
16 that has high visibility, God help us on those with
17 low visibility. How can we have confidence in our
18 EPA to do its job especially when we hear the
19 pollutants PR being made by our Environmental
20 Protection people? Gentlemen, protect our
21 environment, to hell with Ciba-Geigy.

22 MR. DAGGETT: Nancy Menke of Save Our
23 Ocean.

24 MS. MENKE: Nancy Menke, M-e-n-k-e. I just
25 have a few questions for Mr. Daggett. You were

1 talking before when Mr. Pallone brought up the fact
2 that you had asked Assemblyman Hardwick to delay
3 the Ciba-Geigy bill, you said that because you felt
4 it was important for it to be delayed, you had
5 important information to give him about that bill
6 and --

7 MR. DAGGETT: I said I wanted to lay out
8 publicly all the information associated with the
9 site that we had before a vote be taken, and we
10 laid that information out, and I said the vote is,
11 in my mind, (a) to be taken and (b) it could be
12 taken separately and independent from the decision
13 on the Superfund site.

14 MS. MENKE: Well, I know that our local
15 papers had said that you were supposed to ask him
16 to delay this until you were able to return from
17 vacation.

18 MR. DAGGETT: Until what?

19 MS. MENKE: Until you were able to return
20 from vacation or you were away.

21 MR. DAGGETT: No.

22 MS. MENKE: I was just wondering why, what
23 is important to you? If it was important
24 information and the assembly was there during a
25 session, knowing they were going to go into summer

1 recess, why it had to be held up? You don't have
2 to answer. It's just my thoughts on some of these
3 things. All right.

4 Also, you said that one of the reasons that
5 the pipeline was being suggested was because there
6 was a factor of that it was convenient, that it was
7 there, and you were quoted as saying that this does
8 not mean that if the pipeline wasn't there you
9 would not demand that one be built. Is that true?

10 MR. DAGGETT: No. That's not true. What I
11 said was that there's no question about the fact
12 that part of the reason we chose the pipeline was
13 because it was there and it provided at the time an
14 option that from a risk analysis standpoint,
15 provided the least risk to public health and
16 environment.

17 MS. MENKE: It wasn't fair. Would you
18 agree?

19 MR. DAGGETT: You asked me a question. You
20 got to give me a chance to answer.

21 And second, so I said that were it not
22 there, we would not use the pipeline. We would not
23 ask that one be constructed for a ten-mile
24 distance. We would probably have chosen as our
25 first alternative the river and the second

1 alternative would have been a reinjection scenario,
2 which would have been a greater risk than the river
3 from, again, the environmental and public health.

4 MS. MENKE: Well, see, what I get from that
5 is that it's not really that this is the best way
6 to go. If this is the best way environmentally and
7 from a public health standpoint, was to treat it
8 and to put it into the river, then you most
9 certainly would be saying build a pipeline and into
10 the ocean. And if that's not your stand, you're
11 saying we would ask them to build one if it wasn't
12 there. Then how are we supposed to believe that
13 you truly believe it's the best way? If it's the
14 best way, it's the best way whether the pipe is
15 there or not.

16 MR. DAGGETT: We are required by law, your
17 elected representatives across this country to vote
18 that law into being that says we must consider cost
19 as one of the factors much as people would not be
20 like --

21 MS. MENKE: Exactly the reason that the
22 pipeline is going to be used is the cheapest way,
23 Chris, not 'cause it's the best.

24 MR. DAGGETT: If you ask me a question you
25 got to allow me to answer the question. I'll be

1 happy to answer it, but please let me finish my
2 comment on it. I'd be happy to answer it and that
3 is that we are required by law to look at cost even
4 though a lot of people have expressed the opinion
5 that was not expressed in the legislature, but
6 expressed the opinion that we should make decisions
7 absent any decision of cost whether it was a
8 million, one hundred million. Any Superfund site
9 anymore in the country, we should choose the cost
10 of -- we're required to look at cost. We would
11 look at cost and it likely would be the case that
12 the cost of putting it into the ocean by building a
13 brand new pipeline would exceed the benefit you
14 gain, in other words, that you could put it into
15 the river and get enough protection for the public
16 health and the environment to warrant not to extend
17 cost to build a separate pipeline out into the
18 ocean. That would be -- that's the nature for the
19 decision that we made. That's how we came to it.

20 MS. MENKE: It's the cheapest way to
21 proceed.

22 MR. DAGGETT: It's not the cheapest,
23 because all the costs are in the sixty-five, sixty
24 to seventy million dollar range and the difference
25 in the cost is not substantial from the options

1 that have been discussed tonight. They are not
2 that extensive.

3 As we go through some of the discussion,
4 and the group met today at three o'clock and
5 continue to meet in that group, that discussion may
6 yield some options that are higher costs and if
7 that ends up being the best way to go in balancing
8 the costs as you're required to do by law, we go
9 with it. We -- I've signed many Records of
10 Decision with the highest cost as well as with
11 mid-range cost and I've signed some of the lowest
12 cost. We go on a balancing of a number of factors,
13 one of which must be, by law, cost. And so, this
14 wasn't chosen because and the decisions aren't made
15 in my office and won't be made strictly on the
16 basis of cost.

17 MS. MENKE: I'll just let it lay. It seems
18 to me you're not really saying that the best way to
19 protect the public health is to put it in the
20 ocean. You're saying the best way without costing
21 Ciba-Geigy a lot of money.

22 MR. DAGGETT: The furthest from what I'm
23 saying. I'm saying to you --

24 MS. MENKE: That's what we're all getting
25 from you.

1 MR. DAGGETT: I'm telling you it's not
2 right. I'm telling -- you asked me what the
3 decision process was. I gave it to you. Your
4 interpretation of that isn't correct. I did not
5 choose it on the basis of solely cost. I can show
6 you plenty of circumstances where we've done
7 analysis not effective of cost.

8 MS. MENKE: All right.

9 Also, do you think that what people feel
10 about you as the Region 2 Administrator colors what
11 they think about this cleanup? Do you feel that
12 people should have the utmost security, the utmost
13 confidence that you are dealing with just an
14 environmental matter and that nothing enters into
15 the picture?

16 MR. DAGGETT: Absolutely. I'll put my
17 record and my four years of activities with any
18 public bodies. I'm sure I'll go through the senate
19 confirmation process. I'm perfectly happy to go
20 through any and all analysis of my decisions at the
21 EPA and what I've done at EPA while I've been at
22 EPA. I'll be more than happy to go through that
23 process. Otherwise I wouldn't have represented the
24 nomination to this.

25 MS. MENKE: During Vice-President Bush's

1 visit here, our local press had reported that you
2 were at the fund raisers that the Republicans held,
3 that Larry Bathgate held, that Ciba-Geigy held at
4 his home in Bay Head. Is that correct?

5 MR. DAGGETT: Yes.

6 MS. MENKE: Did you purchase a ticket for
7 that or was the ticket given to you or were you
8 requested to be there and do you think that that's
9 a good place for Chris Daggett, Region 2
10 Administrator, who is making a decision about
11 Ciba-Geigy's cleanup, who is soon to become
12 possibly, hopefully not, DEP Commissioner, who is
13 going to be overseeing Ciba-Geigy and their
14 operations in New Jersey? Do you think that's a
15 good place to be?

16 MR. DAGGETT: There are a number of
17 functions that I've attended on a political
18 process. There's no question that I was appointed
19 through the political process both at EPA and the
20 appointment at DEP, which is a political process.

21 During my time at EPA, I have attended
22 political functions. I'm on those functions. I
23 have -- before I go to the function, and indeed I
24 did at this function as well I've been through,
25 because of my concerns about attending any fund

1 raiser of any kind for any candidate, republican,
2 democrat or whoever, I went through my region
3 counsel and then to the agency's ethics officials
4 to ask them for a reading of the laws, on the
5 ethics laws as to whether or not it was appropriate
6 or not appropriate for me to go.

7 They indicated to me, they indicated to me
8 that it was acceptable for me to do it. I went
9 after receiving that green light essentially, but
10 went through the whole process as I've done on
11 virtually every invitation I've received that
12 involved a ticket, if you will, that had a value
13 attached to it, the people paid for if I was not
14 going to pay for it myself.

15 MS. MENKE: Do you have any idea who paid
16 for your entrance into this party?

17 MR. DAGGETT: There were a number of
18 tickets, I believe, that were and I don't have the
19 answer exactly on it in the sense of I don't -- I
20 think there were a number of tickets that were just
21 not put up essentially on a pay basis, if you will,
22 that a number of people fell in that category.

23 MS. MENKE: Do you consider it a good idea
24 though? I know that you got into your republican,
25 democrat just now. With the way the people feel

1 right now about the regulatory agencies, which is
2 we basically do not trust you anymore, do you
3 really think that was a good idea to be at Larry
4 Bathgate's home when you've got all these decisions
5 coming up? Do you think to some people that would
6 look like possibly you would look influenced? Do
7 you think that was a proper place to be?

8 MR. DAGGETT: My decision and my decision
9 on this site that led to the preferred alternative
10 announcement was made well prior to any event that
11 you're talking about and all prior to that dinner.

12 MS. MENKE: Yes. Larry knew. Tell us
13 about it, too.

14 MR. DAGGETT: I made -- well, prior to that
15 dinner and my relationship with Mr. Bathgate and a
16 number of other people who are affiliated with this
17 site and a number of other sites, I've known a
18 number of these people before I became Regional
19 Administrator in various settings. I have dealt
20 with them on a number of occasions. I still fall
21 back on the fact that I would be happy to lay out
22 everything associated with my role as EPA Regional
23 Administrator before the incident.

24 MS. MENKE: Well, I would just like to
25 announce tonight that I have this State Code of

1 Ethics, all right, and I'll give you what Save Our
2 Ocean's opinion --

3 MR. DAGGETT: The State Code of Ethics is
4 not covered by federal code.

5 MS. MENKE: You think maybe it's close
6 enough to this?

7 MR. DAGGETT: I would live by the State
8 Code of Ethics. I've gotten -- I'll be happy to
9 live by those.

10 MS. MENKE: Let me just read this. All
11 right. It says: "No state officer or employee or
12 special state officer or employee should accept any
13 gift, favor, service or other thing of value under
14 circumstances for which it might be reasonably
15 inferred that such gift, service or other thing of
16 value was given or offered for the purpose of
17 influencing him in the discharge of his official
18 duties.

19 "No state officer or employee or special
20 state officer or employee should knowingly act in
21 any way that might reasonably be expected to create
22 an impression or suspicion among the public having
23 knowledge of his acts that he may be engaged in
24 conduct violating of his trust as a state officer
25 or employee."

1 We think that it stinks that you were -- we
2 think if you truly were concerned about how the
3 people feel about you as a regulator, that you
4 would have thought to yourself that maybe it's not
5 a good idea. You said you've known them all along,
6 you've known them for years. Maybe that's part of
7 the problem, I don't know.

8 Save Our Ocean Committee thinks it was
9 wrong. We think it was unethical. We'll get a
10 federal copy of this. We do have the state, but I
11 do want everyone to know that we're asking you, the
12 attorney general, we're asking the State Ethics
13 Board to look into this. We don't think it was
14 proper.

15 MR. DAGGETT: You are welcome to do that.

16 MS. MENKE: You're welcome to do that,
17 because we're going to do that, but all I'm saying
18 to you that you keep saying, you know, you just
19 want to work for the environment, you just want to
20 work for the public health. Doing things like that
21 is not helping your standing with the community.
22 It's never going to convince us that you should
23 become the DEP Commissioner of the State of New
24 Jersey.

25 MR. DAGGETT: The next speaker is Ralph

1 Gorga from Save Our Ocean.

2 MR. GORGA: Ralph Gorga, G-o-r-g-a,
3 Chairman of Save Our Ocean Committee.

4 Chris, it seems that the steps you have
5 taken has possibly helped our environmental groups
6 with the task force. We're hoping that you can
7 take their recommendations fully and that we don't
8 want it in the ocean or the river or in the bay,
9 whatever, and that you don't look specifically on
10 the costs and you said that you were not going to
11 do that. I know that this issue has been extremely
12 emotional in cases and extremely political, and I
13 think that sometimes has to be done.

14 I think the same that the environmental
15 groups have gotten together and come up with their
16 point of interest, and I think the Save Our Ocean
17 Committee, as the Chairman, has endorsed that list
18 of demands that we speak to. I think we should
19 look forward to your help in establishing these
20 criterions that we are interested in.

21 It is important to the township. It's
22 important to the County of Ocean. I think we
23 demand that these issues be addressed and addressed
24 quickly. We cannot wait another three years to
25 tell us as many cases told here tonight. There's

1 many unknowns. There's so many questions that have
2 to be answered within the site at Ciba-Geigy and so
3 many that haven't been answered. I think we have
4 to get those answers quickly and we have to proceed
5 as quickly as possible. Thank you very much.

6
7 MR. DAGGETT: Tracy Carluccio from the
8 Del-Aware Unlimited.

9 MS. CARLUCCIO: My name is Tracy Carluccio,
10 C-a-r-l-u-c-c-i-o.

11 Del-Aware Unlimited, is an environmental
12 citizens organization concerned with issues
13 affecting the Delaware River Basin and adjacent
14 coastal areas. Water supply and management issues
15 which could affect the Delaware watershed sometimes
16 originate in other watersheds. The problem being
17 discussed here tonight is one of these. We want
18 the people of this area and the agencies which make
19 water allocation decisions to understand that if
20 the water resources that serve this area are ruined
21 and become unusable, don't come over to the next
22 river, the Delaware, for drinking water supplies.
23 Governor Kean and Governor Casey of Pennsylvania
24 have already given it all away. By overallocation
25 of the Delaware River through out-of-basin transfer
to watersheds which have polluted their groundwater

1 and/or mismanaged their surface and underground
2 water supplies, the Delaware River and Delaware Bay
3 are on the road back sadly to the days before the
4 Federal Clean Water Act when the pollution and the
5 estuary was so bad that fish life couldn't make it
6 up the river. This was due to a pollution block
7 which built up at Camden and Philadelphia, made it
8 impossible for fish life to migrate northward. Of
9 course, all that pollution eventually washed into
10 the bay and into this ocean.

11 It is important that we realize that the
12 water supply needs of an area must be met as
13 locally as possible if they're going to keep or
14 re-establish, as the case may be, a balanced
15 environment. It is simply bad water management and
16 irresponsible environmentally to foul one's nest
17 and then look for another pasture for meeting one's
18 water needs.

19 Governor Kean has allowed this to happen on
20 the Delaware by diverting up to 100 million gallons
21 of water per day through the Delaware and Raritan
22 Canal over into the Raritan Basin. Not
23 coincidentally, the Elizabethtown Water Company
24 gets the largest share of that diversion and is
25 selling to the beeming Princeton Corridor at a

1 whopping profit. Governor Kean's family owns the
2 Elizabethtown Water Company. Is there any doubt as
3 to why this is the premier public works project of
4 this governor's administration?

5 Water is the oil of the nineties, to quote
6 James Watt, former Secretary of the Interior under
7 Ronald Reagan. As it becomes scarcer through
8 pollution of the aquifers that feed all of our
9 rivers and the ocean, it becomes more and more
10 valuable. It's not surprising that water magnates
11 become governors, just like electric companies such
12 as Philadelphia Electric Company who will receive
13 most of the water from the Point Pleasant Project
14 in Bucks County, Pennsylvania, on the Delaware
15 River, are now recognizing water as an important a
16 raw resource as nuclear and petroleum fuels. The
17 water wars of this region of the country are just
18 beginning. Ocean County, Toms River, and
19 Ciba-Geigy are right in the middle of it.

20 We are faced here with an intolerable
21 predicament. We are being asked by the EPA to
22 choose a remedy to a disaster from three
23 alternatives which will cause disasters in
24 themselves. It is absolutely unacceptable that
25 this international corporation, exposed as the

1 worst of polluters, still operating and polluting,
2 albeit now with a DEP permit, is going to get off
3 without having to renovate the contaminated aquifer
4 in the most conservative way.

5 The preferred alternative, in our opinion,
6 is not among the choices presented to us by EPA.
7 That would be the reclamation of the groundwater
8 through treatment to drinking water or first order
9 stream water quality, with no discharge of
10 contaminants back to the environment, that is
11 perpetual segregation of residue pollutants from
12 the environment in vaults. Yes, it would be
13 expensive, but Ciba-Geigy has gotten a free ride on
14 the backs of the environment and the residents of
15 this area since they landed here from Switzerland.
16 They should now have to clean up their mess now,
17 close up their plants and get out of the country.

18 Considering that the choices being offered
19 are all insufficient remedies, we would like to
20 comment on the choices, ranked from the worst up.
21 The alternative to be avoided at all costs is
22 discharge into the ocean. That would be
23 perpetuating our plight to allow these toxins to be
24 discharged into the ocean, where they will mix with
25 all the other pollutants already deposited there,

1 be caught up in the chain of life and eventually
2 come back unexpectedly. We have no idea what will
3 happen to the toxins discharged into the ocean
4 because we are not capable of monitoring them once
5 they are dumped.

6 For EPA to contend that the public health
7 risks associated with ocean dumping are small is
8 apallingly shortsided and shows a willingness to
9 accept that further pollution is unavoidable. This
10 is cynicism where we can least afford it - at the
11 governmental agency level. It is not naive to
12 insist that further ocean discharge can and must be
13 avoided in order to try to bring under some control
14 the nightmare we are creating if deposition of
15 waste continues in the ocean, this cradle and
16 sustainer of our life on the planet. EPA and the
17 people of New Jersey cannot bend so easily to
18 industry's push to treat the ocean as a dump - as
19 we should know by now, out of sight is not out of
20 mind. And for EPA to lay down on the job and act
21 as if technology cannot catch up with the polluters
22 is just that, laying down on the job. Once the
23 Ciba-Geigy Superfund site is cleaned up, the toxins
24 found there must be forever watched and kept from
25 migrating.

1 As far as discharging into the Toms River
2 is concerned, this is equally unacceptable to ocean
3 discharge, for the same reasons. It would simply
4 allow the poisons to spread out along the bottom of
5 the river, some binding particles there until some
6 day dredged and dumped elsewhere. It would be like
7 letting, say, a contagious insect out into the
8 night air because it would disappear in the air and
9 inject in the crowd.

10 The last on the list of unacceptable
11 alternatives is reinjection of the treated water
12 back into the aquifer. We agree with EPA's
13 assessment that controlling groundwater migration
14 from the site is the first step in the cleanup
15 process and we support their efforts to protect
16 communities who live adjacent to the site and to
17 protect the aquifers that are interconnected with
18 the site. If the groundwater is extracted by
19 pumping, we would like to offer a few technical
20 comments on the methods to be used. Now, I won't
21 go into this here because people here are hot and I
22 know the hour is late, but we will submit these in
23 writing, and we do have suggestions here in terms
24 of your pumping protocol if you do extract from the
25 site by pumping and, also, we suggest that you get

1 in touch with Princeton University, Dr. George
2 Pender, who New Jersey is very lucky to have him in
3 there. He is one of the world's experts on
4 pollution and everyone knows, yes, you use
5 different computer models based on whose textbooks
6 you're using. We have a great resource here in New
7 Jersey.

8 UNKNOWN VOICE: He works for Ciba-Geigy.

9 MS. CARLUCCIO: But let's bring him over to
10 our side.

11 Second, we do bring up that surrounding
12 residents must be of the foremost consideration
13 during the treatment process itself. For instance,
14 if air-stripping is used, the air quality must be
15 precisely monitored and filters must be used. I
16 assume you also are looking into these, but we do
17 have technical comments here provided by our
18 consultants.

19 We do feel that we sort of drift to the
20 idea of keeping the groundwater on site by
21 reinjecting at the site, and the only alternative
22 that we could see is the one of totally renovating
23 that site for constant recirculation. The level of
24 renovation should be to drinking water standards.
25 It should at least meet the highest quality stream

standards, which are not stringent enough for aquifer injection. We should attempt to be able to drink our groundwater untreated from the well or with minimum treatment from a municipal well water system. Also, we cannot lose sight of the fact that if the aquifer is not at drinking water standard, then the streams which flow from the headwaters to the creeks to the ocean will not provide the freshening effect that they now provide.

In many cleanup projects, EPA has only required during the treatment that the pollutant which shows up in the heaviest concentrations be brought into within EPA safe limits, for instance, a serial dilution from parts per thousand to parts per million. Then the finished effluent measures that pollutant as improved. The flaw in this process is that we would like to bring to the attention of the public and to EPA's attention that the toxins that are present in, say, parts per million but should be in less concentrations don't show up any more because of the heavy dilution factor. They slip by undetected, but still very much present. It is not, we feel, acceptable to simply opt for serial dilution as the treatment

1 process, and instead all hazardous substances
2 present in the groundwater must be removed as best
3 technology can provide, regardless of the cost,
4 which, of course, is to be borne totally by
5 Ciba-Geigy.

6 Finally, our suggestion is that the
7 extraction process be thorough enough to render the
8 resulting site safe. The water must be treated to
9 highest standards technically possible. The
10 resulting project should be kept on site at
11 Ciba-Geigy. This water cannot be allowed to leave
12 the site, not by truck, not by pipeline, not by
13 sewer systems, not by underground migration. It
14 must be kept on site. If reinjected, the water
15 must be reinjected on site with a premise of no
16 offsite migration built into the renovation
17 process. A computer model must dictate the method
18 of reclamation and state-of-the-art technology must
19 be used during the monitoring process, with the
20 results reported publicly in the newspapers, say,
21 weekly. The public must engage and monitor this
22 cleanup. Otherwise it will be done and wither
23 away.

24 The best we can hope for from this EPA
25 cleanup, considering the unacceptability of all EPA

1 proposed alternatives and the intolerable situation
2 we find ourselves in with this environmental
3 disaster, is that we can renovate the environment
4 as much as possible, contain the pollutants to
5 avoid further degradation, monitor the results and
6 the cleanup and then retrieve the hazardous waste
7 should it start to spread again. Once you dump it
8 in the river or ocean you could never retrieve it.
9 This is why we maintain that there cannot be any
10 offsite discharge of these pollutants. We would
11 only be compounding our problems by not knowing
12 what these contaminants are doing out there.

13 We also would like to add that EPA should
14 take action to insure that all municipalities using
15 groundwater from the aquifer here monitor their
16 wells at Ciba-Geigy's expense. If any contaminants
17 show up in municipal or private wells, a moratorium
18 should immediately be placed on new construction in
19 the interest of the public's health, and the same
20 or a newly devised renovation program tailored
21 hydrogeology of the area should be implemented
22 without delay.

23 The only way we are going to avoid the
24 problematic situation we face here tonight is to
25 tackle the underlying cause. It is a fact that

1 industry, here Ciba-Geigy, have taken all of us, no
2 matter whether we live here or on the North Pole,
3 to the brink of no return. Science tells us that
4 the oceans are dying and when they die, we and life
5 as we know it on the planet, dies too.

6 As citizens who are supposed to have some
7 say in the way we live here in the United States,
8 we should set up an example for the whole world to
9 see for the public's participation in how business
10 is done in America. We should be able to tell our
11 employers, our manufacturers whose products we buy,
12 our neighbors, how we got them to behave in our
13 communities. After all, they effect our lives as
14 much as our families and personal beliefs do. We
15 have to take responsibility by forcing a reduction
16 of the pollution by reduction at the source. Do we
17 really need to buy soda pop in plastic bottles? Do
18 we need to encase our food in styrofoam boxes and
19 wraps? Can't we put our trash in something other
20 than trash bags? What's wrong with having to
21 sterilize and reuse hypodermic needles rather than
22 wash up or why can't we refill cigarette lighters?
23 Is it worth the price of a dead ocean and water
24 that gives children leukemia to live the convenient
25 life of disposable products? As consumers, we must

1 begin to realize what the price is and to organize
2 our demands on the industries and the agencies that
3 are supposed to protect our environment, that are
4 poisoning us with these conveniences.

5 Much of the toxins we are facing in all the
6 Superfund sites, including this one, are the result
7 of the manufacture of plastics which could be
8 replaced with a shift in consumer habits.

9 Additionally, if we insisted the
10 manufacturing process itself can reduce waste by
11 recycling and switching to less potent ingredients,
12 then we would be a long way down the road on this.
13 Source reduction and eventual elimination of the
14 use of all hazardous substances or substances which
15 produce hazardous by-products is the only answer to
16 the contaminated waste problem.

17 There are legislation attempts which begin
18 to deal with this issue. The New Jersey Senate is
19 considering a bill introduced by Senator John Russo
20 dealing with the use of plastics and styrofoam in
21 packaging. This bill has got to be toughened and
22 supported. Other avenues must be opened if we are
23 to use our inalienable rights, which we are born
24 with in this country, to take back control of where
25 we live and work.

1 Thank you for the opportunity to comment
2 here tonight. We hope the EPA seriously considers
3 our comments and we would like to say that the
4 Del-Aware Unlimited, Incorporated, signs on to the
5 statement that has been made by the other
6 environmental groups here tonight.

7 MR. DAGGETT: Ken Smith, New Jersey Shore
8 Preservation Association.

9 MR. SMITH: Ken Smith, Director of the New
10 Jersey Shore Preservation Association. We are
11 organizing a section of the American Shore
12 Preservation Association, which is a national
13 group, interested in promoting the management of
14 our beaches and coast for the benefit of people.

15 And before I get into what I want to say, I
16 really want to commend the groups that have been
17 working on this all along, and particularly
18 Citizens For Clean Water, for the kind of testimony
19 that they brought here tonight. I sincerely hope
20 that you will take them seriously. That's the kind
21 of constructive testimony that I think we need.
22 And you know, I noticed that earlier you had said
23 that you are going to work closely with the groups,
24 but that in the end the decision is going to be
25 yours, and I'm waiting to reserve judgment, Mr.

1 Daggett, on just where I think you stand on the
2 environment until I hear what that decision is
3 going to be.

4 You know the problem that we've had and I
5 don't know if there's a school of bureaucracy that
6 the people go to that removes them from reality.
7 We're talking about both the DEP and EPA. The fact
8 that there is no accountability or no apparent
9 accountability for some of the promulgation rules
10 and regulations that go to policy directives they
11 seem to end up in, they constantly seem to come up
12 either on the side of the polluters or as
13 apologists for them. You know, it's frustrating
14 after a while.

15 These groups and my own involvement with
16 several of the groups has led me to see these
17 people as the people that take time away from their
18 families and put so much effort in just trying to
19 clean up their environment. There's no ego problem
20 with them. They're out here because they care and
21 because we're reaching a situation where they're
22 just about intolerable.

23 You know, tourism is now the number one
24 business in New Jersey. In 1986, they accounted
25 for 11.4 billion dollars, with about eighty percent

1 concentrated on four coastal counties. You read
2 the papers, you watch Good Morning America, you
3 know what's going on. I mean do we really all have
4 to come out here and tell you just what the problem
5 is? It's serious. I mean we've gotten a real kick
6 in the teeth to tourism. Last year we had a big
7 washout. This year is much worse and, personally,
8 I really don't see any solution of the problems so
9 far from what I heard.

10 You know, I work with the Governor's
11 office. I am working with them on trying to set up
12 a new coastal commission. I think it's something
13 that's desperately needed. We need an advocate for
14 the coast because we have not had that at the state
15 level, and I was hardened to see that within that
16 bill is an office of clean ocean advocacy, with
17 broad strong powers to clean up the ocean, to send
18 off polluters.

19 I'm also involved with the EPA's five-year
20 management conference that you're just starting to
21 start up on cleaning up the Hudson estuary. I
22 think they are really worthwhile things.

23 I was at the first meeting of about 200
24 people that I consider a good main thrust to even
25 consider that pipeline in the face of the media

1 publicity that we've had. It just flies in the
2 face of all the good things that we're trying to
3 do. In other areas, what do we do in the Kansas
4 area and some of the goose farms and some of the
5 other sites that don't have the convenience of a
6 pipeline?

7 You know, I think, again, I think you
8 should really consider seriously the comments of
9 Clean Water and consider recharging that water two
10 million gallons into the ground, set up a Pinelands
11 Commission. We've tried to very seriously guard
12 our aquifers and I just can't see that going on
13 into the ocean.

14 You know, I'm putting a pool in my backyard
15 and a friend of mine suggested a sign might be kind
16 of crude, but he said that he put a sign up in his
17 pool that said I don't swim in your toilet, don't
18 pee in my pool. Basically that's what we're
19 saying. If you're not a fisherman or swimmer,
20 we're saying everybody out of the pool, all the
21 dumpers, all the polluters, everybody out.

22 And one final thing, I agree with the
23 comments of Bill Skowronski earlier tonight. One
24 way or the other, sooner or later, probably sooner,
25 we're going to close that pipeline, I guarantee it.

1 MR. DAGGETT: John Woodland of the Chamber
2 of Commerce.

3 MR. WOODLAND: First of all, I represent
4 several organizations. I'm here tonight speaking
5 for myself. I want to talk very briefly of the
6 perception and the first thing I want to say is I
7 think the public's perception of this entire
8 process will, I think, improve if Mr. Daggett
9 didn't have to spend so much time slouched down in
10 the chair, with his elbow on the table and looked
11 like he was really listening to all of this.

12 Secondly, I think what you've got to deal
13 with here is the conception of the public is going
14 to have with what you propose. As Mr. Smith said,
15 our economy is based on tourism. Is the public's
16 perception of swimming in an ocean with four
17 million plus gallons a day coming from a Superfund
18 toxic waste site into that same ocean, you know,
19 that same place people are going to swim is
20 unacceptable. You've got to look at that
21 perception.

22 Finally, I just want to mention that the
23 perception that all of us are beginning to have of
24 the process in the announcement that this is going
25 out through a pipeline. We've got a Ciba-Geigy

1 pharmaceuticals plant up in Rhode Island and there
2 came to be quite a serious problem up there in
3 terms of pollution. So, they decided they were
4 going to move it and looked around at something
5 else and they found New Jersey. And that was based
6 on their past experience in New Jersey.

7 So, along they come. But a few things
8 happened the last couple of years. The heat was
9 turned up a little bit. They were starting to have
10 difficulties in New Jersey too. It didn't look
11 like it was going to go through quite as easily as
12 they thought.

13 So, the perception we had is what
14 Ciba-Geigy did. They went out and hired Larry
15 Bathgate to represent them. They got Mr. Bathgate
16 to represent them, and lo and behold, all of a
17 sudden things started happening. There was a piece
18 of legislation in front of the assembly, and all of
19 a sudden twenty-three members of the assembly
20 abstained. They didn't want to be caught dead
21 voting no. They knew what the public felt about
22 it. They didn't vote yes.

23 All of a sudden the Environmental
24 Protection Agency comes out with a proposal to use
25 that pipeline. It says to Mr. Hardwick, hey, hold

1 off on the bill that's going to close that pipeline
2 even though you yourself said you would have the
3 authority to use it regardless of that bill. So, I
4 don't see why that was relevant unless you were
5 trying to play politics there.

6 So, we come along and you said hold off on
7 that. Okay. Then you had announced that you're
8 going to use that to dump the Superfund site out in
9 the ocean, when next we hear that you got a new
10 job. You're going to head the Department of
11 Environmental Protection in the State of New
12 Jersey. Is that what you got in return?

13 That's our perception of what's going on.
14 That's why we can't accept what's going on. The
15 perception is it's going to come out the ocean.
16 It's going to stop. We couldn't accept you as long
17 as you're trying to put it in the ocean.

18 MR. DAGGETT: Patricia Morton-Toth.

19 You want me to comment on that, I will.

20 I will continue to say as I said, we set up
21 a full public process to this. We're going to work
22 it through from A to Z. We have got virtually
23 every single environmental group, every single
24 elected official, every single person who has an
25 interest in this who's expressed an interest and is

1 sitting at that table to make this decision, to
2 work it through. We've been -- we've started that
3 process. We've had two meetings. We're committed
4 to continuing that process and it will continue.

5 MR. WOODLAND: Why did you announce dumping
6 out through the pipeline first and then start the
7 process?

8 MR. DAGGETT: Because I am required by law
9 to put out EPA's preferred remedial alternative
10 plan, which is what we presented to you tonight. I
11 am required by law to put that out. We've done it,
12 and prior to that we worked extensively with the
13 community through primarily the Ocean County
14 Citizens For Clean Water who have been given a
15 grant of fifty thousand dollars by the Ciba-Geigy
16 Corporation to fund their hiring of technical
17 consultants, and some assistance in addition to
18 that that they have applied for. There's not
19 applicants likely to receive a technical assistance
20 grant from the federal Superfund program, which has
21 given another fifty thousand dollars.

22 We have been working extensively with the
23 public and community groups from the beginning of
24 this site and continue to do that. We have now
25 broadened that process at the request of OCCCW and

1 others, and we are now including a broader group
2 than we had before, but believe me, we have been
3 working with the community from a long time ago on
4 this project, and I have to, by law, make decisions
5 that are most important. I have been given the
6 responsibility to make decisions that are
7 considered first and foremost, although not solely
8 first and foremost protecting public health and
9 environment.

10 I've presented to you an analysis of that
11 which was put forward over time and over a lot of
12 technical review as being the most protective of
13 public health and environment, not necessarily the
14 only one, but the one that was considered most
15 protective of public health and environment. The
16 process we put forward to try to work through,
17 recognizing the public concern and the general
18 concern about the pipeline, to work through an
19 alternative that might also be acceptable from a
20 public health and environmental standpoint first
21 and foremost, and then after that if we can still
22 consider other alternaties that include not using a
23 pipeline, we will do it, and that's this process.
24 We're committed to the process. We will complete
25 the process and hopefully by September 30th as we

1 indicated earlier.

2 MR. WOODLAND: Is that the law you relied
3 on when you decided to continue ocean burning?

4 MR. DAGGETT: That is not a subject of this
5 meeting. If you want me to comment on it, I'll be
6 happy to comment on it. I'll be happy to comment
7 on ocean burning of waste wood.

8 There is an enormous quantity of waste wood
9 that sits in our harbors, particularly the New York
10 harbors. That waste wood -- I would invite people
11 if you have an opportunity to, I've been trying to
12 bring elected officials on a regular basis. We had
13 some problems with -- what I've been trying to do
14 with the EPA helicopter is to go over the harbor
15 area and take a look for themselves. There is more
16 wood on our shorelines than any of you could ever
17 dream exists. It is by the hundreds of tons from
18 sizes that are larger than telephone poles all the
19 way down to small pieces of driftwood. That wood
20 has gotten primarily through a process of decaying
21 driftwood, wooden vessels and decaying piers over
22 the last several decades.

23 It exists on the New Jersey side. It
24 exists on the New York side. It's in the harbors,
25 in the Raritan River. It's in the bay area,

1 Bayonne area and all through Newark Bay on up to
2 the Hackensack and Passaic Rivers. It's all over
3 the New York harbor area. When that wood decays it
4 breaks off, it floats and when it floats it goes to
5 many different places, including out in the ocean.
6 It includes going on the shoreline. It includes
7 all over.

8 As a result of that and the concern
9 existing both environmentally and just a public
10 damaging, possibly a health standpoint of hitting
11 people as occurred on the Jersey Shore last year
12 with two children. That material has a program
13 that congress put together, the Harbor Driftwood
14 Cleanup Program.

15 That cleanup program, the Corps. of
16 Engineers primarily, through contractors, will go
17 through the harbor and pick up that wood and then
18 put that wood and dispose of that wood. The
19 various disposal options that have been considered
20 for disposing of that wood primarily involving the
21 landfilling, incineration, some sort of refuse, all
22 of those have been examined in extensive detail
23 through many public documents and analysis by many
24 different people, and perhaps the best alternative
25 at the moment for that has been that since

1 landfills don't exist on lands to handle that kind
2 of bulk material anymore, you're well aware what
3 the solid waste program states and that landfills
4 can't hold it. You can't ship that material
5 because it's got a lot spikes in it that destroy
6 chipping type of machinery. Reuse is virtually not
7 possible of the nature of the type that vary in
8 size and different creosote nature of some of the
9 material and so on. The best possible is
10 incinerators.

11 Incinerators, as you are also aware, do not
12 exist in New Jersey to any great extent. So, it
13 leaves an option of burning the wood on a barge out
14 in the ocean that we have had over time some
15 problems with that burn. Primarily in 1986, a lot
16 of sloppy problems with it. Wood was piled up too
17 high in barges. It was taken out improperly, so on
18 and so forth. We are putting increasingly stricter
19 requirements on those permits that include a chain
20 link fence around the whole barge that can
21 withstand high temperatures of up to fifteen
22 hundred degrees. That means that wood, if it does
23 fall off the top part of the pile, is not going off
24 the barge. We require an EPA ship rider to go out
25 on each and every burn operation. They can go out

1 in certain weather conditions. They cannot go out
2 in the summer months. There are a number of very
3 strict controls around that burn operation.

4 After the burn is complete, the ashes are
5 brought on land and is disposed of in landfills and
6 that has been -- since we put in all those controls
7 we have had virtually no complaints. Two years ago
8 boaters were having an enormous problem with drift
9 timbers out in the water. Nobody has ever been
10 able to confirm whether or not it came from barges.

11 We had also, as a result of the activities,
12 we put in place strict controls. We have made some
13 complaints virtually nonexistent. One, we don't
14 have serious complaints from boaters about hitting
15 driftwood and those sort of things. That program
16 has been in place and at the moment represents, in
17 our view and the State of New Jersey's view at this
18 point, the best alternative at present for handling
19 driftwood.

20 Absent that program, believe me, after
21 major storm events we would have an enormous
22 quantity of wood coming out of harbors and out into
23 the ocean that will be drifting and able to wash
24 ashore and would be hit by boats and, believe me,
25 I'd be happy to take any and all of you if I had

1 the facilities to do it in, a helicopter and show
2 you what we're dealing with. It is an enormous
3 quantity of wood that sits in our shorelines.

4 I have next on the list Madeline Hoffman,
5 Director of the Grass Roots environmental
6 organization -- Patricia Morton-Toth. Is she not
7 here? I'm sorry. I called her name first.

8 MS. MORTON-TOTH: Patricia Morton-Toth,
9 M-o-r-t-o-n-T-o-t-h. I'm a member of Alliance For
10 a Living Ocean.

11 I'm scared. I've spoken to several of you
12 several times and you have impressed on me the
13 gravity and complexity of the situation. There is
14 no safe solution and I certainly don't support
15 dumping in the ocean because it's expedient and
16 convenient.

17 I have several questions: Number one, why
18 isn't there a representative of NOAA here as an
19 obvious contributor to the remedial investigation
20 or feasibility study?

21 MR. DAGGETT: You mean in the formal sense?
22 They're part of the study. I mean they are able to
23 comment on any of our proposals as anybody else. I
24 mean they're part of the, they're part of the
25 process. They can comment on --

1 MR. CZAPOR: Any of the Superfund sites as
2 mandated by the law we coordinate fully with the
3 national resource trustees. That can be the
4 Department of Commerce or NOAA, for some of the
5 offshore resources and Department of the Interior
6 and it can also be the State of New Jersey. When
7 it's not a federal trusteeship they're all part of
8 the process. They all review our documents and
9 make a determination from their perspective about
10 the remedy, and is protected in the context of
11 their resources and, also, to attempt that the
12 further point whether or not there's any damages
13 that need to be assessed as a result of
14 irreversible damages that cannot be corrected by
15 remedial action, they will fully expect all the
16 trustees to put into the --

17 MR. DAGGETT: That will be made available

18 MR. CZAPOR: Their comments will be made
19 all part of the overall administrative record.

20 MS.. MORTON-TOTH: Number two, now that you
21 do know what was buried on the site, have your
22 monitoring wells detected all the possible
23 leaching? I want to see the water tests and
24 proposed treatment which would treat all those
25 contaminants to the non-detect level also. Is your

1 proposed solution and justifications for it, going
2 to be outdated as soon as there is a new leak from
3 a drum which hadn't been detected in the original
4 water tests?

5 Incidentally, in the introduction in your
6 blue pamphlet for the public, you wrote that since
7 you don't know what's in the drums, and then you
8 made your proposal. I still contend that now that
9 you do know, the proposals are invalid and demand
10 reexamination.

11 And finally, question four: I would like
12 access to other Superfund site remedial
13 investigations. No one else has dumped in the
14 ocean, so each of the toxins can be handled
15 differently.

16 Ciba-Geigy created this disaster by
17 choosing to do what was expedient, convenient and
18 inexpensive.

19 We cannot take the risk of allowing them
20 the same criteria in trying to clean it up.

21 Do you have the answers to my questions
22 now? If not, I believe you are making a choice
23 based on incomplete information. I would then be
24 forced to believe, Mr. Daggett, that this is
25 totally a political decision.

1 MR. DAGGETT: With respect to other
2 Superfund sites all over the country in various
3 locations what can be used is what's known as a
4 pump and treat system, and take out groundwater,
5 treat it and then do something with it. And in all
6 those instances, it's virtually either recharged
7 into the ground or it is discharged into the local
8 waterway or it is treated at the local sewage
9 treatment facility, and after retreatment on the
10 Superfund site, treated again and then discharged
11 into the local waterway or wherever that outfall
12 for that facility happens to be, basically a pump
13 and treat system, you end up with a discharge of
14 water to some either ground or the water --

15 MS. MORTON-TOTH: My concern is the
16 Superfund site, the complexity of chemicals that
17 are there, so that your proposed other Superfund
18 site conclusions may not apply to what we're doing
19 here. That's why -- that's a very nice statement,
20 but it doesn't prove anything the way I see it.

21 MR. CZAPOR: There's definitely a full
22 range of chemicals and a variety of classes.
23 Basically, we will be happy both in the existing
24 feasibility study and go through this process that
25 when we described, to go through in greater detail

1 the existing technology for moving organic,
2 inorganics and metals and their applicability on
3 class of compound.

4 You're right. We may not be able to
5 identify every particular compound that is at this
6 site or potentially in the groundwater. We can
7 address the class of compound to be handled by
8 appropriate technology.

9 MR. DAGGETT: In addition, if what you're
10 asking is access to our Superfund cleanup sites,
11 every Superfund cleanup site, all the documents are
12 full public documents and we'd be happy to provide
13 them, any information on any of those sites
14 anywhere, if you're interested.

15 MS. MORTON-TOTH: Okay. Then, the prior
16 response had drawn another question for me about
17 if -- because you're just arriving at solutions
18 based on the classifications of chemicals. What
19 if, in the future, there's a compound mix that has
20 an unknown, as of now, an unknown result from
21 being. Are you going to update and continue
22 testing and examining and --

23 MR. CZAPOR: In any situation, by law, if
24 we have a hazardous substance on the site, we've
25 already addressed that. The sources have not

1 yet -- we're required by law to revisit at no
2 greater than a five-year period to make a formal
3 determination as to whether the remedy we've
4 selected is still effective in terms of protection
5 of public health and environment. That's one way
6 of the mechanism. I think we still want to take
7 steps now that controls migration contaminants from
8 the site.

9 MS. MORTON-TOTH: You used the qualifier
10 saying unknown source. Even if you know the source
11 in the future --

12 MR. CZAPOR: Or additional comments, I mean
13 we will continue to monitor and continue to take
14 steps to ensure that the remedial action we have
15 selected is sound and prudent.

16 MS. MORTON-TOTH: Even if there are no
17 other information, no new information, there's no
18 new detection of chemicals, but just on a regular
19 basis to update it and improve what you're testing,
20 how you're testing?

21 MR. CZAPOR: Well, before reviewing as part
22 of the legislation every five years we will do a
23 comprehensive review. There's new technology. The
24 prime purpose of that legislation is to have the
25 agency look at new technology every five years if

1 there's a hazardous substance left on the site.
2 So, that is the intent of congress in writing that
3 section of the law. To sort of answer your basic
4 question, there is new technology emerging. The
5 agency should be applying that technology to a more
6 permanent remedy. I hope that answers your
7 question.

8 MS. HOFFMAN: Madeline Hoffman. I'm the
9 Director of Grass Roots environmenal organization.
10 I live in Bloomfield, New Jersey.

11 The Grass Roots environmental organization
12 is a nonprofit group whose main purpose is to
13 provide technical and legal assistance across the
14 state, seventy-five to a hundred different groups
15 on issues such as garbage incineration, hazardous
16 waste cleanup, groundwater contamination and the
17 like.

18 I think we have a couple of different
19 issues that we're talking about here tonight.
20 Before I get into those, I wanted to make one
21 comment in response to what you said when you spoke
22 before me. First of all, unless my figures are
23 grossly off as the public hears, the EPA has
24 already cleaned up six sites in the Superfund sites
25 nationally. At least there is nine hundred on that

1 list. So, we're not talking about a very large
2 number of information to draw on in terms of what
3 has worked and what hasn't.

4 Number two, in our own state the Lappari
5 Landfill, which is the number one Superfund site in
6 the country, rejected the citizens of that area a
7 flushing and pumping option that was proposed by
8 the EPA a few years ago, saying it did not have
9 guarantees. It was fourteen years or so ago. At
10 the end of that process, the EPA couldn't guarantee
11 that the site would be cleaned up. So, they
12 rejected it and additional alternatives introduced
13 by the EPA, which to this point I think the
14 residents have accepted that they do not include
15 the flush and pump. So, I wanted to make those two
16 comments in response to the initial and I know you
17 want to make a comment.

18 I've listened to you very much this evening
19 and I've tried for two hours. I'd like to get my
20 statements across. I think that we have a couple
21 different issues going on. We're talking about the
22 process of determining the preferred option for
23 cleanup. We're also talking about what was
24 proposed as the preferred option for cleanup. What
25 I see here tonight the EPA trying to do is making

1 enormous noise, making an enormous attempt to
2 justify the decisions that were already made and
3 admitting that they could do no wrong in this
4 issue.

5 There is an arrogance here that I don't
6 think really should belong given their track record
7 of cleaning up Superfund sites across the country.
8 I think it's very important to realize the
9 tremendous role that people like us ordinary
10 citizens in the State of New Jersey, has claimed
11 many people like the EPA and DEP to do their jobs.
12 We've done a lot of hard work on our own time most
13 of the time. We've waded through piles and piles
14 of technical documents that most of us do not have
15 the training to learn how to read, but we realize
16 it is an important issue to us, to our families, to
17 our health, and we took the time and we made the
18 effort to stick through that gobbledegook to
19 understand exactly what was going on. We have
20 limited resources to do it. We didn't get paid to
21 do it. We did it because we cared.

22 Now, if the EPA had truly listened to what
23 citizens groups have said and very truly concerned
24 about what citizens groups had said, they couldn't
25 have possibly come across with a preferred

1 alternative which was to dump materials into the
2 ocean through the Ciba-Geigy outfall. You've heard
3 again and again and again and again from people
4 that the preferred option for people throughout the
5 state is not to use the pipeline. I can only
6 guess, I can only guess there's discussions before
7 relative to costs of the various different cleanup
8 options.

9 One piece that was overlooked, and that is
10 what does Ciba-Geigy believe the cost to them will
11 be if the pipeline is shut down? 'Cause if you add
12 that into the process of cleanup then for them, for
13 Ciba-Geigy, it possibly could be immense. If you
14 didn't have to think about it, the main pipeline is
15 in danger of being shut down. It was that close to
16 gather the political support throughout the state
17 to shut down in order to get it off track.
18 Something else had to come up. This was one way of
19 getting out. I think we got to factor in the cost
20 to Ciba-Geigy of that, not just the cost of
21 cleanup.

22 Let me go back a little bit through the
23 process I know. I don't want to spend too long. A
24 lot of you have been here for a long time. I've
25 sat here for a while. I just want to emphasize

1 what I have to say, the role that citizens groups
2 have played from Day One 'cause I know for the last
3 five years I've been involved with people in Toms
4 River who have been concerned about that pipeline
5 and surrounding communities who have been trying to
6 protect themselves and others from pollution coming
7 from the pipeline emptying into the ocean.

8 It was first brought to their attention at
9 least five years ago when the pipe cracked and
10 problems occurred in the middle of a neighborhood.
11 People were concerned with what was happening to
12 them. From that point on the local residents put
13 tremendous efforts to determine just what was being
14 sent through the pipeline and what impact it could
15 have on people's health, in the community and in
16 the ocean.

17 After extensive research, residents
18 concluded that the pipeline presented an
19 unacceptable threat to the community and began an
20 effort to shut it down - thinking all the while
21 that Ciba must be able to come up with a more
22 environmentally acceptable means of disposing of
23 their waste materials.

24 In addition, they learned that Ciba was
25 responsible for creation of a Superfund site

1 adjacent to this pharmaceutical plant. Instead of
2 working to clean it up, this was only six months
3 ago, now Ciba approached the DEP for a permit to
4 build a pharmaceutical plant on the Superfund site.
5 At this point the residents got even angrier at
6 Ciba for not only proposing to continue to use the
7 pipeline, they were also being allowed to expand
8 without first cleaning up the mess they'd already
9 created.

10 Now, this might not have been so bad,
11 except it was, but it might not have been so bad,
12 except that in the meantime, hundreds of residents
13 in the Toms River area were informed that their
14 drinking water from private wells was contaminated.
15 Although no definite connection could be
16 established, there was concern that Ciba might have
17 been at least partially responsible for that
18 contamination. In fact, some newspapers reported
19 last November that contamination from Ciba had
20 spread beyond what they originally had thought and
21 was suspected of having contaminated at least one
22 of the wells used by Toms River Water Supply to
23 provide water to the general public.

24 Given all this, residents were even more
25 convinced that Ciba should not be rewarded by

1 increased use of the pipeline, but should, in fact,
2 be required to come up with ways of cleaning up
3 their site and finding an alternative means of
4 handling the same waste.

5 Have those things happened? No. None of
6 those things happened. Instead what's happening
7 now is EPA is to go back saying our preferred
8 method of cleanup for this site is Ciba-Geigy to
9 continue to use the pipeline to dump into the
10 ocean. It doesn't make any sense and the story
11 gets worse. I guess compounded because of the
12 recent problems this year and other years at the
13 ocean make the situation more urgent. Efforts need
14 to be made to prevent further toxics from entering
15 the ocean, from entering the groundwater, from
16 entering the air, from entering the soil and remove
17 the toxins already there.

18 And for the EPA to say that they listen to
19 people and they talk to people and they included
20 people in this process beforehand and they still
21 came up with the preferred option of dumping it
22 into the ocean is just baloney, it really is.

23 In addition, and we've talked about this at
24 length today and I just want to touch on it a
25 minute. There was enormous support by citizens

1 throughout this area and beyond from passage that
2 legislation would close the Ciba pipeline. There's
3 enormous support for that. There was enormous
4 support at those hearings to get Ciba to close its
5 pipeline, to figure to deal with their mess and
6 also deal with the Superfund. EPA ignored those
7 concerns and ignored them now. In fact, they went
8 another step by telling them that, the legislation,
9 not to vote on the bill until they could get their
10 proposal alone. Was their proposal keeping the
11 pipeline open?

12 UNKNOWN VOICE: They did the same thing in
13 Pennsauken. There were hundreds of people.

14 MS. HOFFMAN: When are they going to listen
15 to people and what they have to say? When are they
16 really going to do what people want done to protect
17 the environment? I also saw this in the Star
18 Ledger. What is this, environmental blackmail?
19 You want hospital or death? You want to give us
20 the river or the ocean? What kind of choice is
21 that? Senator Pallone earlier said we should not
22 be boxed into thinking those are the only choices.

23 I'm really gratified to know tonight that a
24 lot of people, citizens groups throughout this area
25 have come up with alternative plans at, again,

1 their expense. It's not their job. They shouldn't
2 be required to do it. They do it because they care
3 about their health. They're doing it even though
4 those trusts protecting us are not. I think it's
5 also questionable and other people have said this
6 is a whole lot better than you and I. Thus far we
7 have Chris Daggett, today as an EPA Administrator,
8 in about seven days we may be talking to the DEP
9 Commissioner. Is that right?

10 AUDIENCE: No.

11 MS. HOFFMAN: Is that democratic?

12 AUDIENCE: No.

13 MS. HOFFMAN: I won't go through the rest.
14 I think we all agree that somewhere our rights have
15 been taken away, somewhere our democratic rights
16 and state we want them to listen and be heard. I
17 think it is incumbent upon us to continue to fight
18 for those rights, to continue to let them know what
19 we think, not to be fooled after the fact. Yes, we
20 really care what you have to say. Watch them all
21 the time. Make sure in those sixty days we don't
22 end up with something we really don't want.

23 One last comment, we live in one of the
24 most seriously contaminated states in the country.
25 More and more it seems we can't run away from

1 pollution, in the air, water, soil or ocean. We
2 have to start getting our EPA and DEP to
3 acknowledge this, to agree with this. When will
4 they stop running away from pollution? When will
5 they stop pretending it isn't there? When will
6 they take action to prevent it instead of promoting
7 it? It better be soon.

8 I think the cleanup of the Ciba-Geigy
9 Superfund site is a good place to begin. The list
10 of demands are short and simple demands, which list
11 has been endorsed, I think is a way of starting and
12 I think it also underscores the main thing, which
13 is we can't just shift pollution around. We can't
14 say -- we don't want it in the aquifer. We don't
15 want it in the groundwater. We can't have it in
16 the ocean. We don't want it in the ocean. We
17 don't want it in the air. So, we don't want it in
18 the soil. We have got to do something so they
19 don't shift it around and prevent further pollution
20 to occur.

21 MR. DAGGETT: Two comments on something you
22 commented on. In the very beginning you said, you
23 talked about the number of Superfund sites cleaned
24 up across the country and you used the number of
25 six. There was a request that was made that deals

1 with the Record of Decision. There's hundreds.
2 I've signed nearly sixty myself in the last four
3 years. There is plenty Records of Decision. I
4 didn't say they meant cleanup.

5 The cleanup concept unfortunately or
6 fortunately -- actually there's more. The point or
7 the concept of cleanup in the Superfund program
8 includes any postconstruction activities that
9 involve monitoring the effects of that cleanup
10 which may occur ten, twenty, thirty, forty, fifty
11 years or longer after construction activity is
12 complete. Nothing is deemed totally cleaned up
13 until all the monitoring occurs over a long period
14 of time. There's various -- there is a site in New
15 Jersey that's been completely cleaned up. It's
16 been removed from the Superfund list. It's one of
17 the few sites you continue to find very discretely
18 and completely contamination, deals with picking
19 all that stuff up and that site has been deemed
20 totally clean.

21 With respect to your comment about the
22 Lappari Landfill, yes, we chose flushing. Yes,
23 there was community outcry over there. We went
24 back and reviewed it. We then completed the
25 remainder of the activity, fully cleaned up, which

1 has been endorsed by virtually everybody down
2 there, citizens groups, elected officials, any
3 number of groups, which includes the cleanup of the
4 lake and the whole facility. It includes
5 backflush. It was not removed from the list. It
6 includes backflushing. That is in the design
7 stage. It will be started sometime next
8 construction season, but it includes --

9 MS. HOFFMAN: A whole lot of things would
10 not have even been considered without citizen input
11 and citizen outcry, that's what I'm saying.

12 MR. DAGGETT: The whole process is set up
13 to be able to have citizen input. There's no
14 question that we received a lot of valuable
15 information. Citizens at times have been simple
16 things, like where was the dumping going to occur,
17 had it occurred. A number of citizens that live in
18 the community for a long time have got a far better
19 bank of information than government officials at
20 any level would have. That's why it's so valuable
21 to get that, to continue to get the community input
22 as well as people have ideas about actual cleanup
23 methods and so on, that are considered in the
24 process and the process is designed to do that.
25 That's why we're continuing to go ahead with the --

1 to go with the group we met with at three o'clock.

2 Next person on the list is Karen Kiss,
3 President of the Alliance.

4 MS. KISS: Karen Kiss. I'm President of
5 the Alliance For a Living Ocean. It's a southern
6 Ocean based citizens group. We have twenty-five
7 hundred direct members and we are endorsed by
8 thousands of other people in our area in service
9 organizations that are located in our area.

10 First, we are unalterably opposed to the
11 use of a pipeline directly into the Toms River or
12 ocean. We feel that the proposed level of
13 treatment of the plume through the wastewater plant
14 with discharge into the ocean would be totally
15 inadequate and provides the public no level of
16 assurance that the ocean will not be degraded.

17 A member of ours, Dr. Frederick L. Bach, a
18 Ph.D. organic chemist who recently retired as the
19 Director of Technical Regulatory Affairs, Medical
20 Research Division of American Cyanamid Company,
21 made comments about the wastewater treatment plant
22 at Ciba. He said one of the key steps in the
23 Ciba-Geigy wastewater treatment is the use of
24 aeration tanks in which bacteria are used to digest
25 toxic organic wastes before the treated water is

1 passed through a secondary clarifier and then
2 discharge into the ocean. It should be carefully
3 noted that many water-soluble inorganic compounds
4 and toxic organic compounds are not readily
5 digested by bacteria. Also, the concentration of
6 nitrates and phosphates passing through the
7 secondary clarifier into the ocean is also a
8 serious consideration.

9 Furthermore, through the review of the
10 CAFRA and DAC permit applications for the New
11 Jersey DEP, reveal from the Alliance's scientific
12 consultant, Dr. Jeffrey Waxman who is with Coastal
13 Environmental Services, Inc., of Baltimore and
14 Princeton, that it is clearly evident that there
15 has never been in the twenty or so years that the
16 pipeline has been operational, one quality
17 scientific study to show if Ciba's discharge is
18 impacting the marine environment. In other words,
19 having left Ciba the ultimate responsibility to
20 police itself with our priceless marine
21 environment, Ciba virtually collected no relevant
22 data during the pipeline's operation on which to
23 formulate an opinion. No data, no problem. We
24 find this attitude absolutely abysmal and
25 frightening.

1 Furthermore, we find it a serious oversight
2 that the EPA could even consider using the pipeline
3 without any consideration to an environmental
4 impact statement on the projected Superfund
5 effluent into the ocean. This oversight is
6 appalling considering the southern part of the
7 state is reeling from the impact of ocean
8 degradation on our tourism economy.

9 We do not feel we are taking a parochial
10 approach to the issue ocean discharge, because we
11 are an "ocean group." The Alliance is quite
12 cognizant of the gravity of the advancing plume and
13 it's important to realize that it is our water
14 supply that is now being threatened with the
15 contamination.

16 However, we feel we're not going to be
17 mobilized into supporting such a seriously flawed
18 proposal as direct discharge simply because after
19 three and a half years of relative inaction by EPA.
20 There is no permit being generated by this agency
21 on this issue.

22 We would like to say to end this briefly,
23 we support the class of OCCCW and we want to
24 emphasize that under no circumstances should Ciba
25 be given the ultimate responsibility for the

1 cleanup. As mentioned above, we have ample
2 justification to document their inability to
3 self-monitor by their mismanagement of the pipeline
4 studies. This is above and beyond their abysmal
5 record with the plant since its start. The history
6 of Ciba gives us a clear indication of the lack of
7 will from corporate headquarters in Switzerland to
8 be responsible environmentally. Giving Ciba this
9 responsibility would be an egregious (phonetic)
10 slap on the face to all those who have suffered or
11 will suffer because of the atrocious environmental
12 crimes against humanity perpetrated by Ciba.

13 MR. DAGGETT: E. Greg Frank, Alliance For a
14 Living Ocean.

15 MR. FRANK: I'm not a politician and I'm
16 not a scientist, and while I am a member of the
17 Alliance For a Living Ocean, I'm not speaking
18 tonight as a representative of any organization but
19 simply as a human being, one who is concerned about
20 the state of the planet that he lives on and who
21 wishes to live his life with asking nothing more
22 from it than clean water to drink, clean air to
23 breathe and a clean ocean to enjoy.

24 I'd like to make a quote that was given by
25 Jack Costas in 1980. It says the very survival of

1 the human species depends upon the maintenance of
2 an ocean, clean, alive, separating all around the
3 world. The ocean is the planet's life belt.

4 It has to be very obvious to all of us in
5 this room that our planet's life belt is quickly
6 becoming unbuckled. It's obvious to us that the
7 Ciba-Geigy pipeline is a volatile emotional issue
8 to the people of this area. People obviously want
9 the pipeline closed. The problem in our ocean is
10 so widely known that you cannot turn on the TV and
11 watch the eleven o'clock news, you cannot open any
12 local newspaper. In fact, it has been covered in
13 the recent issue of Time and Newsweek magazine.
14 Everywhere you look, everywhere you listen, all you
15 hear about is the condition of the ocean, the
16 condition of our beaches.

17 Now, we've all sat here tonight and
18 listened to you, how you're going to deal very
19 closely with the citizens of our area and how
20 you're going to listen to what we have to say about
21 how you're going to take our recommendations
22 seriously, but we have to take everything you said
23 with more than just a grain of salt. But,
24 unfortunately, the public in this area has gotten
25 used to being railroaded and buffaloed and the

1 public officials who claim they're going to do what
2 they say and do whatever they want to do.

3 I'm also very concerned about the ongoing
4 relationship between Ciba-Geigy and the DEP,
5 especially with the recent permit for Ciba-Geigy to
6 maintain and was issued to them in 1985 even though
7 they were under indictment by the state for
8 defrauding and denying information to the same DEP
9 who issued that permit.

10 I'm also concerned with the appearance of a
11 conflict of interest because of your position, Mr.
12 Daggett, as being right now head of Region 2 EPA
13 and very soon possibly becoming our state DEP
14 Commissioner. What I really want to know is are
15 you really going to do what the public wants? Are
16 you really going to work with us on this issue or
17 are you just playing lip service to us? Because in
18 the end, as you said, the decision is yours to
19 make. Only time and your actions will tell what
20 happens because of your decision, but I just want
21 to, you know, tell you we are watching what you do
22 and watching very closely. Thank you.

23 MR. DAGGETT: Joe Rullo, citizen.

24 MR. RULLO: R-u-l-l-o. How are doing, sir?
25 I just, you know, wanted to ask you some questions.

1 You know, I'm speaking -- I'm younger, speaking on
2 behalf of teenagers. You know how you gave us
3 those two alternatives, either dump into the ocean
4 or into the Toms River? Now, I go on the boat a
5 lot. Okay. I go out on the boat a lot, okay, and
6 the Toms River leads right to the ocean anyway.
7 Doesn't it?

8 MR. DAGGETT: Yes.

9 MR. RULLO: So, it's going to get into the
10 ocean anyway, right, eventually?

11 MR. DAGGETT: Right.

12 MR. RULLO: So, you give us two
13 alternatives, right, but both the same things.
14 We're going right into the ocean anyway.

15 Also, you know, as my comment for -- I'm
16 not up here to criticize. I'm speaking on behalf
17 of maybe the younger kids that live here. Okay. I
18 just happen to be vice-president of my class. I
19 promised I'd do my job out of the thing. Maybe
20 youse are doing your job. You know what I'm
21 saying? But, you know, I go to the beach all the
22 time and I hear about these needles and I think --
23 now, thirty years from now you're going to be what,
24 seventy years old or so or maybe sixty. You know,
25 I'm still going to be young. My kids --

1 MR. DAGGETT: Thirty years?

2 MR. RULLO: No. What I'm saying for your
3 kids too, you know. I don't know, you know. I'll
4 give you an example. I was sitting home and I
5 don't know what her name is, Patty, she sent out
6 that flier. I really never knew what was going on.
7 If a lot of kids knew about this there'd be a lot
8 more kids here, in other words, speaking up on
9 behalf of the younger generation, which is a shame.
10 You're not really affecting yourself. You are in a
11 way, but you're really not. You're affecting our
12 kids and mostly us. You know what I'm saying? I
13 just -- you know, I really don't know what you
14 mean. If you have any comments, I would really
15 appreciate any comments.

16 MR. DAGGETT: First of all, with respect to
17 if we put it in the river, then it moves to the
18 ocean.

19 MR. RULLO: So, we really don't have an
20 alternative.

21 MR. DAGGETT: The same for groundwater. It
22 goes into the groundwater in an aquifer that goes
23 into the river. I mean you could put it in low
24 aquifers that are lower than the river, if you
25 will. You can do that. We'll explore that. If

1 you put it in the aquifer that goes into the river.
2 It still makes its way into the river and into the
3 ocean.

4 MR. RULLO: Is it asking too much to maybe
5 think maybe there might be an alternative to your
6 alternatives?

7 MR. DAGGETT: You mean --

8 MR. RULLO: In other words, like giving a
9 little more thought before you do this that's going
10 to affect us for the next thirty years. You know
11 what I'm saying?

12 MR. DAGGETT: Well, that's what the whole
13 process is all about, that we're working through
14 with the groups we brought together as we try to
15 look at not only what's been addressed so far, the
16 people have other alternatives yet to surface.
17 We'd be happy to take a look at them.

18 MR. RULLO: You know, we -- I don't know if
19 you can answer it. I had chemistry courses before
20 and a lot of those chemicals you said you don't
21 eat. When that is going to be pumped out into the
22 ocean, are you going to guarantee that the stuff is
23 definitely going to be diluted to further swim on
24 the beach, I'm not going to get polluted?

25 MR. DAGGETT: Well, the whole point is we

1 are trying to move toward a treatment scenario
2 against below detection, in other words, you get it
3 below detection. If you then put it out into the
4 ocean, the whole point is that whether you put it
5 in the groundwater again or the river or the ocean,
6 ultimately there is a form of dilution that occurs
7 of the remaining materials you cannot get out
8 through treatment. All contaminants, you will not
9 have zero contaminants in the end. We don't have
10 the technology available anywhere to do that. So,
11 you will have a residual level of contaminants that
12 will be below detection capabilities. So, in other
13 words, they're still there.

14 MR. RULLO: I could see where you're coming
15 from, you and your organization, you know. You're
16 trying in a way, you know. You are trying to
17 protect us getting out the groundwater, you know.
18 You don't want our water to get anymore polluted
19 than it is. There's a lot of people out there that
20 are really angry. In other words, there's syringes
21 and all those needles coming up on the beach. It's
22 just all happening at the same time. Anybody with
23 the communication that you have to do, maybe a
24 little more communication.

25 MR. DAGGETT: There's a lot of problems

1 with floatable materials. It is not obviously the
2 subject of this meeting tonight, but there's a lot
3 of difficulties associated with them. It's true
4 that you've all come together at the same time with
5 that, together with contamination, that is shut
6 down beaches because a lot of bacteria comes in the
7 water. There is a number of things involving that
8 that made for very difficult seasons, no question
9 about it.

10 MR. RULLO: All right. Now, you, like
11 definitely know what your decision is going to come
12 out to? Do you think as in are you going to pump
13 it out into the ocean or you're debating on it?

14 MR. DAGGETT: That is the whole point of --

15 MR. RULLO: In other words, how many --
16 you're going to a lot more meetings?

17 MR. DAGGETT: I'm sorry?

18 MR. RULLO: Are you going to a lot more
19 meetings besides this?

20 MR. DAGGETT: Yeah. First of all, this is
21 an EPA decision and whoever is in the position as
22 Regional Administrator when the time for the
23 decision comes, will be the person who puts his
24 name or her name on the document. It's an EPA
25 decision. I am not going to be the formal

1 decision-maker, again, on this, because I'm leaving
2 the agency at the end of this week. So, one way or
3 the other, it will be another person, whether it be
4 Bill Muszynski, who is Deputy Regional
5 Administrator, who is acting Administrator, who's
6 been in the agency since 1970, and his background
7 and training are in water divisions, who's a water
8 technically-oriented person. If he's still acting
9 as Regional Administrator, he'll sign. It's in the
10 process or another regional administrator, depends
11 on when the decision is done. It's EPA's decision.

12 Then, the DEP's role in it is simply one
13 where they need to review the process and hopefully
14 to concur.

15 MR. RULLO: In other words, you want to
16 follow a --

17 MR. DAGGETT: There may be a different
18 alternative that comes out of the process that
19 we've initiated, and I keep emphasizing I know
20 there have been a lot of comments tonight that have
21 given the impression that we are not listening to
22 what's going on, but I am charged with having to
23 make a decision, and whoever is in this position
24 will have to make the decision that is most
25 protective of the public health as first and

1 foremost of the process. My guess is after all is
2 said and done, even if the pipeline is shut down,
3 even if the pipeline is not used as part of this,
4 in the end the most protective we probably would be
5 to use some form of ocean discharge if you want to
6 talk just about the protectiveness.

7 I understand there are a number of other
8 factors that people want to take into account,
9 which is why we're trying to find out, that while
10 not most protective, may be protective to make
11 people have a -- it might be the Toms River. It
12 might be a deal with injection of some kind. All
13 those are going to be considered. I think in the
14 end people, and even if some people are critical of
15 what we've done to date, I would concede to you
16 that ultimately upon review, it may indeed be that
17 the most protective of public health and
18 environment would be an ocean discharge. It may
19 end up coming down to that, but that doesn't mean
20 you choose that option.

21 People have urged us to make the decision
22 strictly on the basis of health and public safety.
23 I got to tell you and I can say this was -- I'm not
24 the person. Bill might not be the person making
25 it. It might end up being a use of ocean outfall

1 of some kind even though the pipeline is shut down.
2 That likely will not be proposed.

3 MR. RULLO: You will transfer? You'll
4 probably transfer by --

5 MR. DAGGETT: There's a question of barges.
6 The community would want to have that kind of
7 material brought to them even if it's drinking
8 water quality or below. I mean --

9 MR. RULLO: I don't know if this is going
10 to make any sense to you, but I kind of look at
11 your plan. Your plan seemed good to you, which you
12 have your opinion, you know. I look at it as
13 postponements anywhere from thirty years from now.
14 You really can't -- I mean you could write in the
15 newspapers and all these scientists, biographers
16 and all, seem to say, to make studies. What's
17 going to happen in thirty years? Maybe people will
18 talk about it like you said and carcinogens and all
19 that other stuff, all the chemicals all going into
20 the ocean, like you said not all. A kid cast out
21 his pole, fish migrate, something -- just, say,
22 maybe those things got away. Is it right that a
23 kid is dying? That's really what I'm saying.
24 Thanks a lot.

25 MR. DAGGETT: Fred Duffy, realtor from

1 Ocean County.

2 MR. DUFFY: D-u-f-f-y. I'm here as a
3 realtor, but I'm not going to talk about what I've
4 heard for the last two and a half hours. I'll make
5 a couple of suggestions. Number one, that someone
6 up there look at their watch and let people know
7 it's five minutes. So, that shouldn't be too hard
8 of a responsibility for somebody up there, because
9 some of the people have taken up too much time. I
10 think you suggested five minutes.

11 But secondly, more importantly, I've been a
12 New Jersey resident since Day One. I was born in
13 New Jersey up in Hoboken, lived in Union County for
14 many years, went out of the states for a little bit
15 and came back, and I have to tell you that I'm not
16 a wiz kid, but I know that chemical companies have
17 been literally destroying the State of New Jersey
18 since then and that's -- I'm 52. I can't
19 understand why this young gentleman who said he's
20 been on the commission for ten years, what is the
21 mystique? Why are we -- why don't we shut them
22 down? I mean if they're ruining our state, then
23 let's do something about it. I think that's what
24 we're charged to do.

25 MR. DAGGETT: You mean all chemical

1 companies or Ciba?

2 MR. DUFFY: Any kind of a company that
3 dumps or destroys our natural environment should be
4 shut down and asked to get the hell out of our
5 state, period.

6 The other thing I wanted to highlight was
7 I'm a realtor down in Ocean County, Long Beach
8 Island. I want you to realize, if you don't by
9 now, that in our business, we're just small a
10 little agency, our business is off approximately
11 twenty to twenty-five percent. Now, that
12 piggybacks into the restaurants, into all the
13 facets of what our state is here for. We have a
14 beautiful ocean. The whole State of New Jersey,
15 the pride of that, of our state is that ocean and
16 all that I urge you to do is get off your ass and
17 clean it up.

18 MR. DAGGETT: The real unfortunate part
19 about the last two seasons, as you know, there have
20 been very few beaches that have been affected
21 overall by this problem and that's one of the
22 difficulties of the whole problem. There are a
23 large number of beaches across the one hundred and
24 twenty-seven miles of Jersey Shoreline that have
25 been free and clear of polluted waters and have no

1 problem. People don't come. The problem is as
2 soon as you have materials on one beach, the whole
3 shoreline gets indicted, and we've had real
4 difficulty with that because if we get up and say
5 we have no problem, people think we have no
6 concern. If we get up and say we're concerned,
7 people think we have a problem.

8 MR. DUFFY: I understand that, and I would
9 also like to point out I deal primarily with out of
10 state people a lot, New Jersey, but Pennsylvania,
11 New York, whatever, and I mean they are, like super
12 spooked about the Jersey Shore. We're getting a
13 bad press. We're getting everything bad. But,
14 again, the bottom line is clean it up and stop
15 putting crap in the ocean.

16 MR. DAGGETT: No question about it. That's
17 why some of the comments tonight dealt with
18 primarily reducing pollution at the source as
19 dealing with the end of the pipeline. We ought to
20 figure ways to recycle material and not using it in
21 the first place. So, we can start -- so we don't
22 pollute in the first place. That is absolutely the
23 first and foremost charge. I'll tell you, I bet
24 many of us in this room use products that during
25 processing create some sort of hazardous

1 by-product, but then it got started in the land,
2 air or water. That's unfortunate, but probably the
3 case.

4 MR. DUFFY: The other thing I can't
5 understand, I have compassion for people out of
6 work. A lot of people get out of work in Toms
7 River. I feel sorry for them. America is a great
8 country. You can always get a job.

9 Secondly, I don't understand why we just
10 can't shut the company down for two or three years
11 until it's cleaned up and there's no problem.

12 MR. DAGGETT: Michael Lamana.

13 MR. LAMANA: L-a-m-a-n-a. Thank you. I'm
14 just a resident of Toms River. I would like to
15 think I possibly represent the viewpoint of maybe
16 seventy thousand citizens that couldn't make it
17 here this evening, that perhaps either didn't find
18 it important enough, didn't prioritize it high
19 enough, decided to watch the Mets' game or, quite
20 frankly, probably most of them feel as I do, that
21 if this issue is going to be resolved, you're the
22 people that are going to have to do it. We're
23 going to have to trust you.

24 I'd like to think that most of these people
25 also are not running for political office. None of

1 us control any influence over who gets assigned to
2 public office. None of us are scientists. None of
3 us are probably environmental curists per se.

4 I just wanted to get to the point. What
5 you people are going to have to do is something
6 that is quite unpleasant. I mean sitting here for
7 four hours has to be unpleasant, but I don't
8 believe that what I saw here this evening is
9 representative of the way the Ciba-Geigy Superfund
10 is going to be cleaned up. In fact, I'm quite
11 convinced that the potpourri of pollution problems
12 at the shore, coupled with the fact it was probably
13 decades in Superfund site evolving, is going to
14 make your job more complex. I guess I'm just here
15 crying in the dark. I'm one person that feels that
16 the media is not going to correct it. I watch what
17 they do in Trenton. I believe they're not going to
18 correct it. As a matter of fact, I know for all
19 the EPA, DEP, I would suggest to your respective
20 employers that you let all employees spend one day
21 in Trenton just to preserve their self-esteem,
22 because when I see a legislator banish a faction
23 they created, I think it's a travesty.

24 So, in short I'm one of the taxpayers in
25 this town and I know the process is complex, that

1 the issues in front of you are frustrating. I have
2 a sense that the only person that can clean it up
3 is yourselves and through the direction of the EPA.
4 Thank you.

5 MR. DAGGETT: Thank you very much.

6 Lorraine Sansone.

7 MS. SANSONE: Do you see what an applicant
8 has to go through to be heard?

9 Lorraine Sansone. I'm President of the
10 Environment To Stop All Incineration Now. We, the
11 people of Ocean County have watched helplessly as
12 industry influenced peddlers and their bought and
13 paid for bureaucrats have turned our waters into
14 stinking sewers via an endless process of
15 mitigation, permitting, permit extensions and
16 dilution of the laws which should have served to
17 protect the environment.

18 Gentlemen, we suggest that the DEP and the
19 EPA have proven themselves inept and ineffective in
20 dealing with any of the many outrages we are
21 suffering, not only here in Ocean County, but
22 throughout all of New Jersey's one hundred plus
23 Superfund sites. Your "name your poison" solutions
24 are an insult to the intelligence of a, by now,
25 very informed citizenry.

1 We, of SAIN, Stop All Incineration Now,
2 have a common sense question we apply to our
3 situation and that is: If you lived downhill from
4 the dump or upland from an incinerator, who would
5 you listen to, an industry consultant, the DEP or a
6 scientist?

7 We, therefore, suggest that you turn this
8 solution over to the scientists and to the very
9 citizen groups who have uncovered this mess despite
10 the many obstacles placed in their way by the
11 political power structure.

12 By the way, Mr. Daggett, we also have
13 trouble with your having dinner at Mr. Bathgate's
14 home. He stands to make ten to fifteen million
15 dollars on bonding commissions for Ocean County's
16 Incinerator.

17 As someone said not too long ago, Nixon had
18 his Watergate, Reagan has his Irangate and Ocean
19 County has its Bathgate.

20 Gentlemen, as an environmental group who is
21 fighting against the abominations of air pollution,
22 groundwater pollution and surface water pollution,
23 because of an ill-conceived and EPA backed garbage
24 incinerator, we fully support the efforts of Ocean
25 County Citizens For Clean Water, Save Our Ocean and

1 other environmental group's suggestions.

2 In conclusion, one might note that the only
3 thing the EPA and DEP and the true
4 environmentalists who have testified tonight have
5 in common is the word environment, the difference
6 being they mean it and you don't.

7 MR. DAGGETT: Scientific review in an EPA
8 regional office, I am the only person who came out
9 of the political process. Every single person on
10 my staff, there are some eight hundred plus people
11 on the staff, are career people. I am the only
12 person that came out of the political process.
13 Believe me, this is not my decision. This is the
14 decision that has come out of the very extensive
15 and exhaustive technical review by professionals in
16 the field and it will always be that way in the
17 decision of EPA.

18 When the decision process came along, I was
19 willing to make those decisions regardless of what
20 time and appearance came on, and the fact is we had
21 completed a process that happened to be completed.
22 When it did I announced the decision. I would have
23 announced it last year. If I did then, I would
24 announce it today. The first day was Wednesday. I
25 said we felt it was important for people in my

1 division to make tough decisions, to make the call
2 as they say it and let the chips fall where they
3 may. I'm willing to stand and account for that
4 activity on my part. That's all I can offer.

5 MS. SANSONE: As you clearly point out,
6 other people -- the comment was: You are the one
7 who makes the decisions, not the people with the
8 background to do it. You're the one who is
9 succeeded, not they.

10 MR. DAGGETT: And the point is I'm --
11 virtually every decision, on every decision I have
12 made in the four years, believe me, it is a
13 complete reflection of the technical review of my
14 staff. And if you have any concern with that, I'm
15 willing to have any person on that staff of eight
16 hundred comment on that to either back that up or
17 refute that statement. I stand, again, ready to
18 account before any group for my activities as
19 Regional Administrator with respect to the decision
20 process. Believe me, I don't take technical
21 review, technical comments from my staff and then
22 turn around and do something different. I have
23 never done it. I will never do it in any position
24 in the public service, believe me.

25 UNKNOWN VOICE: Will you place some of the

1 comments some of the people have made this evening
2 to your staff?

3 MR. DAGGETT: Will I play the comments?
4 The comments, all these people here are part of the
5 senior technical staff on this issue. All of them
6 at this table are career people. They've heard it
7 all tonight directly. They will, in turn, work
8 with their staffs. All this discussion has been
9 recorded fully. It is available and for those
10 people who are on -- who are responsible for this
11 site will review those kinds of comments and
12 ultimately it will all be responded to in a formal
13 document, very much so, yes.

14 I have Cindy Ziff, Z-i-f-f.

15 Pete Dawkins, a person named Clarence
16 Carter.

17 MR. CARTER: Clarence Carter. Good
18 evening. It's twenty after eleven. It's well past
19 my bedtime. I'll be brief.

20 The many people gathered here this evening
21 demonstrate this community's concern; the history
22 of Ciba-Geigy Corporation's operations in New
23 Jersey demonstrates the immediate need for action.

24 Politicians are always accused of
25 double-speaking. So, I think the essence of Mr.

1 Dawkins' statement is in this next paragraph.

2 This pipeline must be closed. We don't
3 need to tinker with it. We don't need to change
4 the system. It needs to be shut down.

5 Ciba-Geigy should be prohibited from
6 dumping their waste materials into either the ocean
7 or the Toms River.

8 After we get this pipeline closed, we need
9 to ensure that Ciba-Geigy then cleans up its own
10 backyard. Judging from their past history, the
11 only way we can make sure that happens is to make
12 sure Ciba-Geigy is not in charge of that project.

13 When something has this kind of impact on a
14 community, that community needs to be represented
15 in an oversight of the Ciba-Geigy cleanup.

16 Finally, if the closing of the Ciba-Geigy
17 pipeline carries the economic impact the company
18 claims, Ciba-Geigy should provide job retraining
19 for employees effected.

20 Ciba-Geigy has a sad history of deceiving
21 the people of New Jersey. Any company that has
22 been the subject of more than two hundred
23 indictments for violating the environmental laws,
24 any company that has consistently tried to conceal
25 what they are dumping simply can't be relied upon

1 to serve as sole guardian of the public interest.

2 And because Ciba-Geigy's past record of
3 non-compliance with environmental standards, it is
4 a symbol of what has gone wrong with the Jersey
5 Shore.

6 This is a critically important issue. But
7 its importance goes beyond this room and beyond
8 this community. Thousands of people have had to
9 cancel long-held plans to come to our shores to
10 relax and vacation. These families deserve better.

11 Our small business owners up and down the
12 shore are suffering staggering losses. Some may go
13 out of business. They deserve better.

14 Our state needs to be drawing together, not
15 pulling away. Throughout this decade, tremendous
16 progress has been made in restoring the image of
17 New Jersey and the image of the Jersey shore. All
18 that progress is now in jeopardy of being lost.

19 We now find people in Cape May trying to
20 disassociate themselves from the Jersey shore and
21 identify themselves, instead, as part of what they
22 call the Jersey Cape.

23 We can't allow this to happen. The ocean
24 is simply too important to allow it to be used as a
25 convenient and limitless bin into which we dump our

1 waste. If we're truly serious about mending the
2 damage done to the ocean, we need to show people
3 that we're serious about ending all ocean
4 pollution, from sludge dumping to dredge spoils and
5 allowing private corporations to discharge their
6 waste there.

7 This is obviously a question of health.
8 But it's also a question of community and a
9 question of trust.

10 I urge you to book no further delay and to
11 take steps now to ensure that the safety of the
12 ocean is not left to the whims of a company with
13 such a suspect record of environmental concern.
14 Closing the pipeline is the first step.

15 MR. DAGGETT: Peter Hibbard.

16 MR. HIBBARD: H-i-b-b-a-r-d.

17 I have a few off-the-cuff remarks in
18 addition to the prepared remarks I've prepared in
19 writing. First of all, you made a comment that
20 OCCCW was a technical grant, was working closely
21 with you in regard to the position and was involved
22 in the decisions prior to your commitment to or
23 apparent commitment early on to use the pipeline as
24 a disposal method. It should be stated, for the
25 record, that from the beginning OCCCW has never

1 supported the use of a pipeline. We're always
2 looking for others. I think there was, by some
3 people, a misinterpretation that, perhaps, we had
4 at one point supported that concept. I know you
5 did not mean it. I want that clear for the record.

6 MR. DAGGETT: I agree with your comment.

7 MR. HIBBARD: Okay. One thing, it was
8 interesting to me in regarding the slides there,
9 I've been involved in this from the beginning,
10 involved as a technical scientist, and we had some
11 concerns with Ciba's presentation of the extent of
12 the contamination. One of the most amazing things
13 to us was the fact that the contamination plume
14 stopped at the chain link fence. This was found
15 later not to be true. They admitted that it did go
16 around there. That was their first map. Every map
17 we have seen since then extends the contamination
18 further. Tonight, for the first time, I see a map
19 that shows contamination extends under my property.
20 I do live in that area.

21 MR. DAGGETT: We presented that map well
22 over a month, almost two months ago. That's been
23 public information.

24 MR. HIBBARD: I had not seen the map, but
25 I'm talking about four years now. Everytime

1 there's a new map out, the contamination plume is
2 bigger. The point is: We're not being deceived or
3 misrepresented. I honestly believe you just don't
4 know. This brings us to a very crucial point. You
5 lack the data on which to make a good decision. We
6 find the plume is growing larger.

7 With each chance to investigate a little
8 further, we find the contamination is more
9 significant and the contaminants are more serious.
10 Each time there's more chance for investigation we
11 find that there are new areas of contamination on
12 the site, and the more we look at it and yet we're
13 going to commit at this point to putting unknown
14 materials through that pipe because we don't know
15 yet everything that's there. I'm not willing to
16 accept that degree of unknown and I don't
17 understand how you can make a risk assessment
18 saying that the ocean represents the least risky of
19 the choices as far as human health when you don't
20 know what's going through that pipeline. You don't
21 know and according to Ciba's own reports they don't
22 know. They know some of the things that are going
23 in there.

24 It raises one more question. When we put
25 all these things together, there is synergism.

1 When you put several chemicals together, these
2 chemicals combined become some new analogy. You
3 can take up to eighty-five milligrams of Valium
4 before it becomes a lethal level. You can possibly
5 drink a bottle of Scotch before it becomes lethal,
6 but one or two drinks combined with one or two
7 Valium can kill you.

8 In EPA's own report, they suggest that the
9 effects be considered to be additive, not
10 accumulative synergistics. I do not agree with
11 that. No competent scientist could agree on that
12 evaluation, basic risk assessment on it.

13 Another element that is important is the
14 idea that we can't find the things once they leave
15 the pipeline. Not only don't we know what's going
16 through, we can't find it at the other end. A few
17 brief things there. There's been a number of
18 divers who have been able to come up with
19 interesting containers, mostly allegations. Are
20 they faking it? Nobody has bothered to go down and
21 look for sure. When DEP tested a one foot
22 pipeline, they can find no contaminants whatsoever.
23 The dilution is one foot from the pipeline. Some
24 people are bringing up what looks like sludge. I
25 don't understand this kind of diversity in the

1 ability to find information.

2 There seems to be belief that the dilution
3 seems to be the solution to the pollution. We put
4 contaminants into the ocean, diluted to the water
5 to the point where it reduces the risk. I don't
6 think that dilution is the solution to pollution.

7 There is another element of that we have
8 not looked at, the DEP and EPA has not. You're all
9 approximately the right age as I am to remember a
10 book Silent Spring, by Rachel Carson who predicts
11 by our use of pesticides, when the robins would
12 sign there would be a silent spring and because
13 DDT, you were using DDT. There are detection
14 limits in order to spray for mosquitos. This was
15 finding its way through the food chain through a
16 process bioaccumulation. We almost lost the bald
17 eagle and the osprey and other birds at the upper
18 end of the food chain.

19 I have been requesting for several years
20 now through the DEP and EPA, to take a good hard
21 look at the bioaccumulative effect in our ocean and
22 find out what is happening with the chemicals that
23 have gone in there.

24 And I don't know how to tell you to look
25 for what is going to happen if you continue to put

1 in Superfund materials for the next thirty years.
2 And I don't know how to tell you how to fix it
3 once it happens, because there may not be a silent
4 spring. The fish don't sing. The whales do.
5 They're out there. We'll have a silent spring in
6 that respect.

7 I don't think we can afford to continue
8 treating the ocean the way we have because we don't
9 think or we don't see the effects, just cannot be
10 done anymore. By the time we see the effects, it
11 will be simply too late. There won't be anything
12 to clean up. It will just be dead.

4
13 Dr. Tibby (phonetic), I think she's from
14 Wood's Hole, but I'm not sure, specified a little
15 while ago there is no single event that's going to
16 kill the ocean. It's unrelated, unspecific events.
17 I believe this is one of those apparently unrelated
18 events, because Ciba is -- because they're not
19 responsible for all of it. I believe they're not
20 responsible for all of it. Now is the time to stop
21 it. I'm calling on you to let this be that single
22 step, because we can't afford to wait until we see
23 effects, learning nothing through history. Now is
24 the time to start learning something. We've seen
25 it through pesticides. We've seen the dust bowl

1 where we thought it was unlimited. We've seen it
2 in many occurrences. We're now looking at it with
3 the rain forests in South America. Using the
4 pipeline as a discharge for any kind of waste
5 material may be just another example. We don't
6 have the time. My children and grandchildren don't
7 have the time. Now is the time to stop it and to
8 force changes whether or not they're economical to
9 a company. Now is the time to force the changes.
10 Thank you.

11 MR. DAGGETT: One comment you mentioned
12 about the treatment system on not knowing what goes
13 in the pipeline, in the design stage, no matter
14 what cleanup in the design stage there has been
15 thorough analysis and understanding of what's going
16 into it, of whatever final method we use, whether
17 it's a pipeline or river or whatever, there will be
18 a complete analysis of that material just as part
19 of the design phase.

20 MR. HIBBARD: Sir, you don't even know
21 what's in the ground at this point there anyway.
22 You can't find out what went through the pipeline
23 until you complete the analysis of what's in the
24 source areas.

25 MR. DAGGETT: I'm saying to you that

1 doesn't -- what we're dealing with on this site is
2 the treated groundwater. We pull that water out of
3 the ground. We're going to do an early analysis of
4 that water before the treatment occurs. We'll
5 know.

6 MR. HIBBARD: They're -- I mean prove the
7 source areas.

8 MR. DAGGETT: No. We're not dealing with
9 source areas.

10 MR. HIBBARD: Yes, we are, sir. As the
11 water comes out and is treated it will draw from
12 the source area. We will be dealing with it as
13 groundwater contamination later.

14 MR. DAGGETT: I'm not saying we're not
15 cleaning it up. Right now the source will continue
16 to leach into the groundwater and as they are done,
17 we will continue to analyze that material as it
18 goes through the process.

19 MR. HIBBARD: Then it's too late to change
20 the process. Isn't it?

21 MR. DAGGETT: No. If we found something
22 that was completely unexpected, we'd not be able to
23 treat the process, we'd stop and change the
24 process, believe me. We've had to change
25 situations where we've had to change signed Records

1 of Decision. We've had that happen.

2 MR. HIBBARD: If you do that, please make
3 no effort to trust Ciba because they have said they
4 don't know what's in there and they hid things from
5 us in the past.

6 MR. DAGGETT: The question of least risk, I
7 think, frankly in most cases, least risk will
8 always be, generally speaking -- I mean I'm not
9 making this a blanket statement that always holds
10 true, but generally speaking, your least risk is
11 going to be with eat fishing as opposed to,
12 relative to drinking water. In other words, if you
13 put material in drinking water, your risk is going
14 to be higher than the same material, but in fish,
15 in other words, you eat on a regular basis, it's
16 generally speaking. That's the case, which is why
17 in the end we ended up, again, with the idea of
18 putting it in the ocean as opposed to putting it in
19 the groundwater that might end in some situation.

20 MR. HIBBARD: Do you know what DEP's
21 recommendation is on eating fish from the ocean
22 right now?

23 MR. DAGGETT: It varies with the location
24 and the fish population.

25 MR. HIBBARD: In this area with most of the

1 species they say not more than once a month, if
2 you're in your child-bearing years, not at all.

3 MR. DAGGETT: It's just not --

4 MR. HIBBARD: Blue fish and stripe bass,
5 which are the primary ones.

6 MR. DAGGETT: But it's not true.

7 MR. HIBBARD: It's true with those two.

8 MR. DAGGETT: Synergism, science is not
9 there to be able to understand synergistic effects.
10 There's very little known about that. The last
11 thing about it, unfortunately or fortunately
12 depending on how you look at it, virtually every
13 permit for the reissuance, the DEP, any agency
14 issues, is in many respects a form of dilution of
15 pollution. Your air permit, you're giving out
16 after treatment or filtering it's going to be
17 diluted to some large degree by the surrounding
18 air. Same with the water discharge from sewer
19 treatment. Forget Ciba for a moment. That's why
20 it's so far to work on the other end of the
21 pipeline and figure out how not to put the
22 contaminants in the pipeline in the first place,
23 but the dilution is clearly in the laws of this
24 country. That's how we made the pollution in a lot
25 of instances.

1 MR. HIBBARD: I know that's how you felt.
2 I agree with that. That's the way it should be.

3 MR. DAGGETT: I told you I would deal with
4 the pipeline as opposed to --

5 MR. HIBBARD: As it stands, would you make
6 a -- would you agree or disagree?

7 MR. DAGGETT: Yes. Once you've created it,
8 yes. I mean that's what the law and regulations
9 do. I'm saying I'd rather not create it in the
10 first place.

11 Okay. I have Susan Hibbard.

12 MS. HIBBARD: Had I not been bounced back
13 to the last position from the eighth speaking
14 position, I think my comments would have made a lot
15 more sense, but I'll do the best I can.

16 Part of your decision for utilizing the
17 pipeline came from a risk assessment that was
18 contracted for Ciba-Geigy by Environ Corporation.
19 That was published in 1988 May. I have several
20 problems with this study. Number one, the risk
21 assessment states and goes along with the few
22 comments that we just made a moment ago. The risk
23 assessment states it is based on the assumption
24 that data provided to Environ by another Ciba-Geigy
25 consultant "was itself accurate and complete.

1 There may be compounds present in the effluent that
2 have not been identified."

3 The risk assessment then continues to state
4 that "these unknown compounds should not influence
5 the relative risks." It is significant that the
6 failure to base the conclusion on complete data
7 renders the conclusion no more valid than the
8 guesswork that went into some of the data.

9 Okay. The study admits a limitation due to
10 "lack of data on biological interaction and the
11 enhancement or diminuation of toxic effects for
12 combined chemical exposures." Through a muscle
13 study done by NJDEP where it is reasoned, those
14 questions of bioaccumulation data for the study
15 provided by Ciba and accepted as valid without
16 further testing by Environ or by an objective third
17 party. The EPA has determined that an ocean or
18 river discharge represent an acceptable option for
19 the disposal of Superfund wastes. An element of
20 that decision was based on the risk assessment. In
21 my opinion, the risks remain unknown. EPA has
22 selected ocean discharge as the best of the options
23 available. It does not appear that they have
24 looked at any other options, any other alternatives
25 seriously, only the most economical as has been

1 stated before.

2 DuPont has used ocean disposal of its
3 wastes into the Atlantic Ocean for many years.
4 They have withdrawn its application for renewal of
5 its discharge permit. DuPont will no longer
6 continue to use the ocean for its wastes. This
7 American company has used American ingenuity and
8 has demonstrated a responsibility to America's
9 great ocean resource and has found a land-based
10 alternative to ocean disposal. I think we can
11 assume that DuPont has also selected an economical
12 alternative.

13 Our Swiss owned company has made a great
14 deal of fuss about demanding to be evaluated by
15 science and not by emotion. They must be required
16 to provide good, valid science which will stand up
17 to peer review and, also, to support their
18 acceptable conclusions.

19 Ciba must find a disposal method that does
20 not require contamination of our public resources
21 to save their private budget. Many companies have
22 turned to environmentally sound practices, while
23 Ciba and apparently EPA, still pin their future on
24 a pipedream.

25 MR. DAGGETT: I think you asked one question

1 about the Pennsylvania Muscle Study. I believe
2 that study was recently released by DEP.

3 MS. HIBBARD: Nobody has seen it. The last
4 we were told, Dr. Duland told us that somebody had
5 it. We have never seen it.

6 MR. DAGGETT: Well, we will have to check
7 on that immediately, but I believe it was released
8 within the last few weeks. We will check on that.

9 I believe the last speaker I have on the
10 list here at the moment is Ray Kalainikas, a Dover
11 Township resident.

12 MR. KALAINIKAS: K-a-l-a-i-n-i-k-a-s, Dover
13 Township resident. I would like -- can I ask a
14 question, since it's late, as well as make a few
15 comments?

16 I spoke recently about the Superfund site
17 and I was concerned about why they're not digging
18 and trucking this material out of state or whatever
19 they have to truck it in to take the material out
20 of this site, and the study has been going for
21 sometime. I was told we were concerned about
22 dangerous explosions, and it also occurs to me the
23 longer it takes them, Ciba-Geigy is not spending
24 any money, and it seems to go on and on and on, and
25 the site is still there and nobody is really doing

1 anything about it as far as trucking it out.

2 It's to the benefit of Ciba-Geigy for you
3 not to do anything because it's not going to cost
4 them anything. We're not really going -- I asked
5 Pat Wells as well as Senator Bradley, Senator
6 Lautenberg. To my knowledge, they have said
7 nothing in the press concerning the Ciba-Geigy
8 pipeline. And she indicated to me, we've received
9 letters from Senator Bradley and Senator Lautenberg
10 concerning the Ciba-Geigy pipeline. I said I see
11 nothing in the press concerning their comments.
12 She said to me she would send me their letters.
13 This was over a week ago. I have yet to receive
14 any letters. Pat, how soon will I receive these
15 letters?

16 MS. WELLS: I will get them to you. I told
17 you I would send that to you. You haven't received
18 them. I have many, I have numerous letters from
19 both Senators.

20 MR. KALAINIKAS: I would like to see what
21 Senator Bradley particularly has to say about the
22 Ciba-Geigy pipeline. So, I could give to the
23 press --

24 MR. DAGGETT: We'll provide all the
25 correspondence we have from the both senators.

1 MR. KALAINIKAS: Also, what occurs to me
2 I've stated publicly in the letter, it seems to me
3 as long as this issue of the pipeline is in the
4 hands of government officials, DEP, EPA, the
5 courts, the legislators, the pipeline will stay.
6 It is only when this issue is placed directly in
7 the hands of the people that there will be the
8 possibility of the actual pipeline being closed
9 down. I speak of a referendum. A referendum
10 officially expresses the will of the people in the
11 republican form of government. The mother of
12 Thomas Jefferson stated it is the elected official
13 for that fact when we speak about the will of the
14 people and then proceed to execute the will of the
15 people.

16 Last year, 1987, five municipalities within
17 Ocean County were willing to put the Ciba-Geigy
18 pipeline question on the ballot. All five
19 municipalities indicated by their vote they want
20 the pipeline closed down. I have called the Ocean
21 County Freeholders to put the issue on the county
22 ballot. Last year they did not respond. They
23 effectively said no. The year before they said no.
24 I asked them again this year and hopefully they
25 would put it on this year. At the DEP hearing in

1 April, I said let the county put it on the ballot
2 with respect to whether or not they get a permit or
3 not. Let the people make that decision.

4 It seems to me that the right to liberty is
5 subject to the right to life. As long as you do
6 nothing detrimental to human life you have the
7 right to liberty, but the right to life is first.
8 And the issue of the pipeline really is a degree of
9 safety that the people will accept. Most people
10 agree that an ocean without the Ciba effluent is
11 safer than an ocean with the Ciba effluent.

12 And so, the question is what degree of
13 safety will you accept? I'm speaking about the
14 people of the county and perhaps the entire state.
15 By putting it on the ballot, the people will
16 determine what degree of safety they accept, and if
17 the people say we want the pipeline closed, then
18 effectively they're saying we don't want any of
19 their effluent in the ocean. That's the degree of
20 safety we want.

21 And it's also my statement that I see or he
22 was here, Roden Lightbody, the Mayor of Dover
23 Township was here. He's still here. At the last
24 public meeting of the township, I requested Dover
25 Township put it on the ballot, specifically the

1 Ciba issue. Now we will see at the next public
2 meeting of Dover Township whether they will put it
3 on the ballot, because in previous years they have
4 refused to put the question on the ballot there as
5 well as dealing with specifically the Ciba
6 pipeline.

7 I'm asking the EPA to do something,
8 perhaps, which is unorthodox, and the DEP. I'm
9 asking you simply to say to the people we're going
10 to let you decide this decision, because the ocean
11 is public domain. I do not think it requires any
12 particular expertise to deal with this issue. It's
13 a very simple issue. Is the ocean safer with or
14 without the Ciba effluent? It's really a common
15 sense decision.

16 I might add there is a particular group of
17 people known as the Hunza people who live in the
18 northern tip of India, high in the Himalayas, now
19 called Pakistan. These people are the healthiest
20 group of people on this planet. They've been
21 studied by doctors and scientists for quite
22 sometime. They think that their environment is
23 very pure to them. They do not contaminant their
24 environment. At one time their crops were infested
25 with various flies and they were offered a

1 particular pesticide by India and they refused,
2 recognizing that no matter how safe you say this
3 pesticide is, eventually it is harmful. So, they
4 are the healthiest people on the face of the
5 planet. They have, perhaps, the best environment.
6 They set the highest example. It is an example all
7 of us as we come before asking you to set a not too
8 simple compromise, compromise and compromise, but
9 let's face it, an ocean without the effluent is far
10 safer than an ocean with the effluent and the
11 people saying we want the highest degree of safety.

12 And also, quite frankly, we don't trust
13 Ciba-Geigy as a result of their past experience and
14 we don't want to worry everyday are they violating
15 that trust. That is also part of the issue. So,
16 my request to you is simply to do something
17 unorthodox and to allow the people, if need be the
18 state, put it on the ballot, the state ballot, the
19 county ballot. Ask the people to put it on the
20 municipal ballots. Let them make the decision,
21 because you're supposed to be the servant, not the
22 ruler and the people have indicated they want to
23 make this decision.

24 Normally, they put people in office to make
25 the everyday decisions of government, but if the

1 people in government are servants when the people
2 say on this issue we will make the decision, you
3 should by right simply give it to them. When you
4 don't give it to them, then you're really telling
5 me you're not servants. That's all I have to say.
6 Thank you.

7 MR. DAGGETT: Mayor Lightbody.

8 MAYOR LIGHTBODY: I speak for myself this
9 evening. Mr. Daggett, as you well know, and
10 members of your staff, you've heard this before,
11 but I would like to enter it on the record. My
12 initial involvement with yourself and your
13 presentation in June revealed that you desired to
14 use options pertaining to the discharge of the
15 aquifer after treated and I have great concerns
16 about those options, and you have since addressed
17 those for me, a coalition of a number of people and
18 you, of course, have to be commended for that.
19 However, I am going to address what you have heard
20 and I don't expect you to comment on it nor do I
21 expect you to come up with a solution to the
22 problem this instant or this particular evening.

23 My record of comment is as follows: The
24 aquifer is contaminated. You are addressing the
25 issue of the aquifer after three and a half years

1 and you are coming up with a proposal to at least
2 stop it from expanding beyond its present
3 boundaries. As the aquifer is contaminated, so is
4 the ground and so are the contaminants that lay in
5 the ground going to continue to contaminate the
6 aquifer. You are going to draw four million
7 gallons per day, approximately. It could be less,
8 a lot less as we well know and you are going to
9 treat that. It's a natural resource that many
10 communities are going to have to have years to
11 come. We have some major concerns about it. We
12 also express concerns about the level at which you
13 will treat that particular water and then, of
14 course, the discharge that you will propose. I
15 would like to just say that I am very much
16 concerned about the MCLs that were talked about and
17 also, very much concerned about the discharge and
18 the procedure that will be used for that.

19 As I have indicated, I do not expect a
20 response. I do want to thank you for coming down
21 tonight and taking the time to hear what the public
22 has to say, and I do hope that our future meetings
23 can be of the value that not only can we clean up
24 the aquifer, but we can also clean up the ground,
25 take out the contaminants and maybe we won't have

1 to wait thirty years to see the aquifer return.

2 Thank you.

3 MR. DAGGETT: Do we have any last people?

4 Yes, sir.

5 MR. WENZEL: Brick, B-r-i-c-k, Wenzel,
6 W-e-n-z-e-l. I'm a councilman from the Borough of
7 Lavallette. Beside being a councilman in
8 Lavallette, I'm a commercial fisherman. I've been
9 fishing for the past four years, specifically the
10 mouth of the Toms River during the winter months.
11 I fish off Coast Point and also Good Luck Point. I
12 crab and I run pipe nets, fyke nets. Last year I
13 caught approximately two thousand pounds of
14 flounder, all of which consumed by Ocean County
15 residents. I would be assuming they were sold to
16 restaurants locally.

17 I question what effect the Ciba-Geigy
18 effluent going into the Toms River had on those
19 fish and eventually their effect on the fishing
20 industry that is in the Toms River. Some people
21 said there is no commercial fishing industry in the
22 river. There is. There has been for quite some
23 time.

24 As a councilman in Lavallette, I would just
25 like to make the statement that it is clear that

1 the Borough of Lavallette is against proposed
2 direct discharge of the treated chemical waste into
3 the Toms River or the Atlantic Ocean. Last year we
4 had it on the referendum and was unanimously
5 passed. I believe there were three people who
6 voted against it.

7 I will ask that you reconsider your
8 recommendation and find another solution other than
9 the use of the Toms River or the Atlantic Ocean.

10 And one other comment I'd like to make, to
11 date, Lavallette's beach revenue is down over forty
12 thousand dollars. I am convinced that the
13 existence of the Ciba-Geigy pipelines over the
14 beach has contributed to this unnecessary deficit.
15 Thank you.

16 MR. DAGGETT: Any other people wish to ask
17 questions, make comments?

18 Okay. With that in mind, the public
19 comment remains open to September 30, and thank you
20 for all who remained here throughout, and we'll
21 continue the public process as we outlined earlier
22 this evening.

23 (Whereupon, the meeting was concluded at
24 12:00 A.M.)
25

C E R T I F I C A T E

I, COLLEEN M. VAUGHN, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

Colleen M. Vaughn

COLLEEN M. VAUGHN

Dated: 8/9/88

LAWYER'S NOTES

[illegible]

FRANK R. LAUTENBERG
NEW JERSEY

COMMITTEE:
APPROPRIATIONS

SUBCOMMITTEES:
COMMERCE, JUSTICE, STATE AND JUDICIARY
DISTRICT OF COLUMBIA
FOREIGN OPERATIONS
HUD-INDEPENDENT AGENCIES
TRANSPORTATION CHAIRMAN

United States Senate
WASHINGTON, DC 20510

COMMITTEE:
BUDGET

COMMITTEE:
ENVIRONMENT AND PUBLIC WORK

SUBCOMMITTEE:
ENVIRONMENTAL PROTECTION HAZARDOUS
WASTES AND TOXIC SUBSTANCES
SUPERFUND AND ENVIRONMENTAL OVERSIGHT, CHA.
HELMUTH COMMISSION

June 30, 1988

Christopher J. Daggett
Regional Administrator
EPA-Region II
New York, New York 10278

Dear Chris:

I have reviewed the cleanup proposal EPA released for the Ciba Geigy Superfund site. That proposal raised the option of discharging treated ground water through the facility's ocean discharge pipeline.

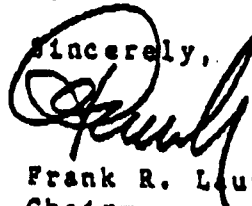
EPA's consideration of the pipeline for the Superfund cleanup is unacceptable. For many years citizens affected by the site have raised concerns over the continuing use of that pipeline for industrial discharges. EPA's consideration of the pipeline for Superfund wastes would add insult to injury.

Under the cleanup proposal, about 4 million gallons of treated discharge could be dumped into the ocean every day for as many as 30 years. I call on EPA to reject using the pipeline for the Superfund cleanup.

Furthermore, as you know, the company is currently seeking a permit to discharge industrial waste from a new manufacturing facility. Approval of the pipeline Superfund clean up option begs the question of whether the pipeline should be used for these new discharges. I can think of nothing more prejudicial to a determination of the permit application, than the approval of a plan to discharge 4 million gallons a day through the pipeline under a Superfund cleanup. The Superfund cleanup could in effect institutionalize the pipeline for years to come.

As the Superfund cleanup proposal underscores, the time has come to stop all use of that pipeline for any purpose. The ocean should not be a dumping ground for industry. The EPA should use all powers at its disposal to stop the use of the pipeline.

Sincerely,



Frank R. Lautenberg
Chairman
Subcommittee on Superfund
and Environmental Oversight

REPLY TO:

717 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-4744

ONE GATEWAY CENTER SUITE 1910
NEWARK, NEW JERSEY 07102
(201) 848-3030

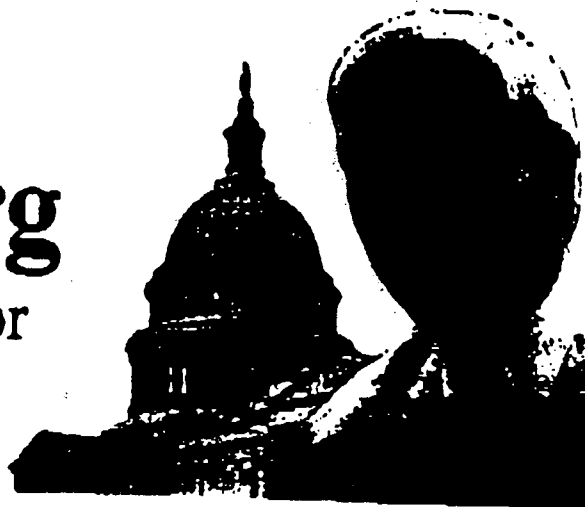
THREE COOPER PLAZA
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CAMDEN, NEW JERSEY 08103
(609) 757-8353

COURT PLAZA NORTH
38 MAIN STREET
HACKENSACK, NEW JERSEY 07601
(201) 342-0838

CIB 009 2280

Frank Lautenberg

United States Senator
for New Jersey



For Immediate Release
Tuesday, August 2, 1988

For Further Information
Steven Schlein 202-224-5885
Jim Abbott 202-224-9708

Lautenberg Urges Withdrawal Of Pipeline Proposal

WASHINGTON -- Senator Frank R. Lautenberg (D-N.J.) today again voiced his opposition to dumping treated discharge into the ocean as part of an EPA proposal to clean up the Ciba-Geigy Superfund site.

Lautenberg wrote to EPA Regional Administrator Christopher Daggett on June 30 urging him to withdraw the proposal, which calls for dumping as much as 4 million gallons of treated discharge into the ocean every day for as many as 30 years.

In a statement released today at a public meeting with EPA officials, Lautenberg said:

"We worked hard in the Superfund reauthorization to assure citizen participation. We knew that a Superfund proposal by EPA will not be workable unless it has the support of the people it affects.

"EPA has the responsibility to justify its proposals and to assure citizens, local, and state officials that any cleanup will be effective and safe. In my judgement the proposal to use the Ciba-Geigy pipeline fails that test, and should be withdrawn. EPA should only go ahead with a cleanup plan that meets community approval and passes the stringent environmental and health standards of the Superfund law."

(attachments)

STATEMENT BY SENATOR FRANK R. LAUTENBERG
PUBLIC MEETING WITH EPA ON CIBA GEIGY
SUPERFUND CLEANUP

AUGUST 2, 1988

ALTHOUGH I AM NOT ABLE TO BE HERE TONIGHT, I AM DEEPLY CONCERNED ABOUT ASSURING THE CITIZENS OF TOMS RIVER AND OCEAN COUNTY THE MOST STRINGENT CLEANUP THE SUPERFUND LAW AFFORDS.

AS THE ATTACHED LETTERS INDICATE, WE CANNOT MOVE FORWARD WITH A SUPERFUND CLEANUP THAT USES THE OCEAN AS A DUMPING GROUND OR ONE THAT DOES NOT HAVE THE SUPPORT OF THE AFFECTED RESIDENTS.

IT'S TIME TO DEVELOP ALTERNATIVES THAT WILL GET THE JOB DONE WITHOUT CREATING NEW ENVIRONMENTAL AND HEALTH PROBLEMS.

I'M PLEASED THAT EPA HAS RECENTLY DECIDED TO FOLLOW MY APRIL RECOMMENDATION OF ASSURING THAT CONCERNED CITIZENS HAVE THE OPPORTUNITY TO RAISE ADDITIONAL VIEWS BEFORE A FINAL DECISION IS MADE.

WE WORKED HARD IN THE SUPERFUND REAUTHORIZATION TO ASSURE CITIZEN PARTICIPATION. WE KNEW THAT A SUPERFUND PROPOSAL BY EPA WILL NOT BE WORKABLE UNLESS IT HAS THE SUPPORT OF THE PEOPLE IT AFFECTS.

EPA HAS THE RESPONSIBILITY TO JUSTIFY ITS PROPOSALS AND TO ASSURE CITIZENS, LOCAL, AND STATE OFFICIALS THAT ANY CLEANUP WILL BE EFFECTIVE AND SAFE. IN MY JUDGMENT THE PROPOSAL TO USE THE CIBA GEIGY PIPELINE FAILS THAT TEST, AND SHOULD BE

WITHDRAWN. EPA SHOULD ONLY GO AHEAD WITH A CLEANUP PLAN THAT
MEETS COMMUNITY APPROVAL AND PASSES THE STRINGENT ENVIRONMENTAL
AND HEALTH STANDARDS OF THE SUPERFUND LAW.

PAUL PATRICK MOYNIHAN, NEW YORK
GEORGE J. MITCHELL, MAINE
MAX BAUCUS, MONTANA
FRANK R. LAUTENBERG, NEW JERSEY
JOHN B. BREAU, LOUISIANA
BARBARA A. MIKULSKI, MARYLAND
HARRY M. REID, NEVADA
BOB GRAHAM, FLORIDA

ROBERT T. STAFFORD, VERMONT
JOHN H. CHAFFE, RHODE ISLAND
ALAN K. BRADSON, WYOMING
STEVE SYMONS, IDAHO
DAVE CUNNINGHAM, MINNESOTA
JOHN W. WARNER, VIRGINIA
LARRY PRESSLER, SOUTH DAKOTA

PETER D. PROWITT, STAFF DIRECTOR
BAILEY GUARD, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6178

April 25, 1988

BY TELECOPIER

Christopher J. Daggett
Regional Administrator
EPA Region 2
New York, New York

Dear Chris:

I am writing about the Ciba Geigy Superfund site in Toms River, New Jersey. Ken Brown, the Executive Director of the New Jersey Environmental Federation, has informed me that the affected citizens are seeking additional input into the process prior to finalizing the Feasibility Study.

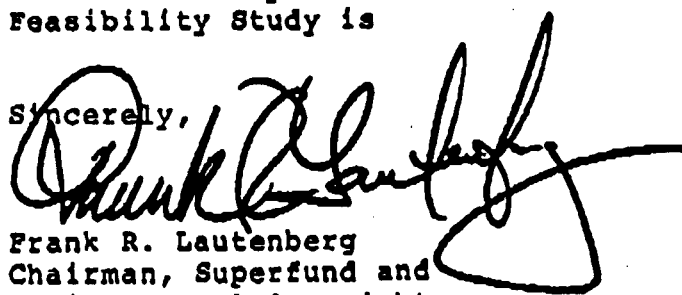
Mr. Brown commented that the previously agreed to plan to seek such additional input appears to be breaking down. The citizens, however, feel that more discussion with EPA is necessary.

It is essential that the affected residents receive a full and fair opportunity to make their views known. Citizens cannot be expected to have faith in proposals unless they are given full participation in their development.

Full citizen participation is crucial to addressing the problems at this site. Such participation can be accomplished without unnecessarily delaying work at this site.

I urge you to assure that a meeting take place no later than May 2, 1988 between the affected citizens and yourself. That meeting should occur before the Feasibility Study is finalized.

Sincerely,


Frank R. Lautenberg
Chairman, Superfund and
Environmental Oversight

CIB 009 2284

FRANK R. LAUTENBERG
NEW JERSEY
COMMITTEE:
APPROPRIATIONS
SUBCOMMITTEES:
COMMERCE, JUSTICE, STATE AND JUDICIARY
DISTRICT OF COLUMBIA
FOREIGN OPERATIONS
HUD-INDEPENDENT AGENCIES
TRANSPORTATION, CHAIRMAN

United States Senate
WASHINGTON, DC 20510

COMMITTEE:
BUDGET
COMMITTEE:
ENVIRONMENT AND PUBLIC WORKS
SUBCOMMITTEE:
ENVIRONMENTAL PROTECTION HAZARDOUS
WASTES AND TOXIC SUBSTANCES
SUPERFUND AND ENVIRONMENTAL OVERSIGHT, CHAIRMAN
HELENIUM COMMISSION

June 30, 1988

Christopher J. Daggett
Regional Administrator
EPA-Region II
New York, New York 10278

Dear Chris:

I have reviewed the cleanup proposal EPA released for the Ciba Geigy Superfund site. That proposal raised the option of discharging treated ground water through the facility's ocean discharge pipeline.

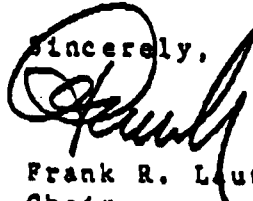
EPA's consideration of the pipeline for the Superfund cleanup is unacceptable. For many years citizens affected by the site have raised concerns over the continuing use of that pipeline for industrial discharges. EPA's consideration of the pipeline for Superfund wastes would add insult to injury.

Under the cleanup proposal, about 4 million gallons of treated discharge could be dumped into the ocean every day for as many as 30 years. I call on EPA to reject using the pipeline for the Superfund cleanup.

Furthermore, as you know, the company is currently seeking a permit to discharge industrial waste from a new manufacturing facility. Approval of the pipeline Superfund clean up option begs the question of whether the pipeline should be used for these new discharges. I can think of nothing more prejudicial to a determination of the permit application, than the approval of a plan to discharge 4 million gallons a day through the pipeline under a Superfund cleanup. The Superfund cleanup could in effect institutionalize the pipeline for years to come.

As the Superfund cleanup proposal underscores, the time has come to stop all use of that pipeline for any purpose. The ocean should not be a dumping ground for industry. The EPA should use all powers at its disposal to stop the use of the pipeline.

Sincerely,



Frank R. Lautenberg
Chairman
Subcommittee on Superfund
and Environmental Oversight

REPLY TO:

717 HART SENATE OFFICE BUILDING
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(201) 242-0838

CIB 009 2285

REMARKS OF
ASSEMBLYMAN JOHN PAUL DOYLE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
HEARING ON
PROPOSED REMEDIAL ACTION PLAN
FOR THE
CIBA GEIGY SUPERFUND SITE
TOMS RIVER, NEW JERSEY
AUGUST 2, 1988

THANK YOU, MR. HEARING OFFICER, FOR PROVIDING THE CONCERNED CITIZENS AND PUBLIC OFFICIALS OF OCEAN COUNTY THIS OPPORTUNITY TO SHARE OUR THOUGHTS WITH YOU ABOUT EPA'S PROPOSED REMEDIAL ACTION PLAN FOR THE CIBA GEIGY SUPERFUND SITE IN TOMS RIVER.

IN THE FOURTEEN YEARS THAT I HAVE BEEN HONORED TO REPRESENT THE PEOPLE OF THE TENTH LEGISLATIVE DISTRICT AS THEIR ASSEMBLYMAN IN TRENTON, I HAVE BEEN INVOLVED IN MANY EFFORTS TO PROTECT OUR ENVIRONMENT AND NATURAL RESOURCES, INCLUDING RECENT LEGISLATIVE INITIATIVES TO CLEAN UP OUR OCEAN AND BEACHES.

BUT DURING THOSE FOURTEEN YEARS, I CANNOT RECALL AN ISSUE THAT HAS GENERATED AS MUCH PUBLIC DISCOURSE, CONTROVERSY, AND GENERAL INTEREST AS THE CIBA GEIGY PLANT, AND ITS INFAMOUS PIPELINE.

MOST RECENTLY, SENATOR JOHN RUSSO AND I HAVE INITIATED AN EFFORT IN THE LEGISLATURE TO STATUTORILY MANDATE THE PHASING OUT OF CIBA GEIGY'S USE OF THE PIPELINE.

WE HAVE DONE SO, NOT OUT OF MALICE TOWARD THE COMPANY OR ITS EMPLOYEES, BUT BECAUSE WE BELIEVE THAT TODAY'S TECHNOLOGY IS CAPABLE OF YIELDING A BETTER METHOD OF DISPOSAL THAN SIMPLY DUMPING THE TREATED WASTE IN THE OCEAN.

MORE IMPORTANT, WE FIRMLY BELIEVE THAT NO ALTERNATIVE WILL EVER BE DEVELOPED AS LONG AS THE PIPELINE IS USED AT WHIM AS CONVENIENCE DICTATES - IN THIS CASE, FOR DISCHARGING THE SUPERFUND WASTE PUMPED FROM THE GROUND BENEATH CIBA'S FACILITY.

I RECOGNIZE THAT CIBA GEIGY HAS INVESTED A SUBSTANTIAL AMOUNT OF MONEY TO IMPROVE ITS WASTEWATER TREATMENT PLANT IN ORDER TO MEET STRICT DEP PERMIT STANDARDS. BUT THIS IS A SEPERATE ISSUE.

THE CONTINUED OPERATION OF THE TREATMENT PLANT IS NOT DEPENDENT UPON THE PIPELINE. I HAVE NO DOUBT THAT THE PLANT WILL CONTINUE TO OPERATE LONG AFTER AN ALTERNATIVE DISCHARGE IS DEVELOPED.

FURTHERMORE, IT IS NOT OUR INTENTION TO DENY CIBA GEIGY AN OPPORTUNITY TO TURN THE CORNER ON ITS ABYSMAL HISTORY OF ENVIRONMENTAL COMPLIANCE OR TO NEEDLESSLY PUT PEOPLE OUT OF WORK, BUT RATHER TO INSIST THAT CIBA GEIGY DEVELOP AN ALTERNATIVE TO ITS OCEAN DICHARGE.

AS YOU KNOW, THE PROPOSED REMEDIAL ACTION PLAN CALLS FOR PUMPING AND TREATING THE CONTAMINATED GROUNDWATER BENEATH THE CIBA GEIGY FACILITY, AND ULTIMATELY DISCHARGING THE EFFLUENT INTO THE OCEAN THROUGH THE PIPELINE.

I REMAIN UNCONVINCED THAT THIS PIPELINE REPRESENTS THE ONLY OPTION THAT WILL ENSURE A SAFE AND EFFECTIVE GROUNDWATER REMEDIATION PROGRAM.

AS I SUGGESTED IN MARCH, LESS THAN FIVE MONTHS AGO, DURING THE DEP HEARINGS ON CIBA GEIGY'S 7 ENVIRONMENTAL PERMITS, THE COMPANY AND GOVERNMENT REGULATORS SHOULD BE DOING EVERYTHING IN THEIR POWER TO REDUCE RELIANCE ON THE PIPELINE. A SUPERFUND REMEDIAL ACTION PLAN THAT PERPETUATES THE USE OF THE PIPELINE FOR THE NEXT 20 OR 30 YEARS IS SIMPLY UNACCEPTABLE.

THIS PLAN FLIES IN THE FACE OF THE EARNEST EFFORTS OF CITIZENS AND PUBLIC OFFICIALS IN OCEAN COUNTY TO SEEK ALTERNATIVES TO CIBA GEIGY'S OCEAN DISCHARGE.

I AM PLEASED, HOWEVER, THAT EPA HAS NOT "DUG ITS HEALS IN" ON THIS PLAN AND REMAINS OPEN TO ALTERNATIVES. I AM ALSO PLEASED THAT EPA HAS RECOGNIZED THE IMPORTANCE OF WORKING WITH THE CITIZENS AND ENVIRONMENTAL ORGANIZATIONS OF OCEAN COUNTY IN DEVELOPING THIS PLAN AND HAS PROVIDED VARIOUS OPPORTUNITIES FOR THEIR INPUT.

EPA'S RECENT COMMITMENT TO WORK WITH A SPECIAL COMMITTEE OF LOCAL CITIZENS TO EXPLORE ALTERNATIVES IS COMMENDABLE. THIS PROCESS IS TANTAMOUNT TO FINDING A REALISTIC ALTERNATIVE TO THE PIPELINE AND DESERVES OUR COMPLETE SUPPORT.

I AM FURTHER ENCOURAGED BY EPA'S DECISION TO AWARD A GRANT TO OCEAN COUNTY CITIZENS FOR CLEAN WATER (OCCCW) TO HIRE PROFESSIONAL ENGINEERS TO EVALUATE EPA'S PLAN AND DEVELOP AN ALTERNATIVE THAT DOES NOT RELY ON THE PIPELINE. THIS REPRESENTS ANOTHER IMPORTANT STEP TOWARD WORKING TOGETHER.

I AM EXTREMELY HOPEFUL THAT THIS SPECIAL COMMITTEE, TOGETHER WITH THE OCCCW CONSULTANTS, WILL BE ABLE TO IDENTIFY A REASONABLE AND WORKABLE OPTION TO THIS PIPELINE.

I RESPECTFULLY URGE THE ENVIRONMENTAL PROTECTION AGENCY TO CONTINUE TO WORK CLOSELY WITH THE COMMITTEE AND THOSE OF US MOST CONCERNED ABOUT THE PIPELINE AND TO STAY A FINAL DECISION ON THIS PLAN UNTIL THE SPECIAL COMMITTEE AND THE OCCCW EXPERTS HAVE A FULL OPPORTUNITY TO EVALUATE OTHER VIABLE OPTIONS.

AGAIN, THANK YOU FOR THIS OPPORTUNITY TO EXPRESS OUR VIEWS.

Statement by Joe Azzolina

August 2, 1988

It's clear that the Environmental Protection Agency did not do enough to explore the alternatives available to using the outfall pipeline for the Superfund clean-up. The hard work and persistence of groups like Ocean County Citizens for Clean Water has shown that there are other alternatives that the people of this area feel more comfortable with -- particularly the idea of reinjection at the Ciba Geigy site.

The pipeline should not be an alternative. The people of Toms River have no trust left for Ciba Geigy, and their opposition to the pipeline should not be dismissed. I have said many times before that I believe that pipeline should be closed once and for all.

As we enter this clean-up program -- which could take 30 years or more - - it is very important that we involve the people who live in the communities that are directly affected by that site.

And that means doing more than just containing the wastewater problem in a way these people can live with. That means working around the clock to find out what is buried in those hundreds of drums that caused the contamination.

I also believe that the state should not grant any permits to Ciba Geigy for the construction of a pharmaceuticals plant on the site. It makes no sense to embark on a whole new direction of waste generation when we have not even figured out what is in the existing Superfund mess.



After more than three years of investigation and study of the Ciba-Geigy Superfund Site in Toms River, The EPA has at long last issued a first-stage Feasibility Study designed to initiate remediation of the site. In its Proposed Remedial Action Plan (PRAP), this starting-phase proposal directs itself primarily and almost entirely at stopping the continued migration of contaminated groundwaters offsite, moving away from Ciba-Geigy's site eastward under the Oak Ridge area and into the Toms River. EPA has stated its preference for a "Pump-and-Treat" system designed to intercept contaminated groundwater, treat it to remove its contaminants, and discharge the treated water through Ciba-Geigy's pipeline into the Atlantic Ocean along with Ciba-Geigy's treated industrial waste stream.

We have carefully reviewed the Feasibility Study and consulted with professional environmental scientists in preparing this statement. We are at this time willing to support the first-phase goal of stopping the continued movement of contaminated and untreated groundwaters into the Toms River. We must, however, reject completely any proposal to discharge the treated groundwater via the Ciba-Geigy pipeline into the ocean. Under this proposal the company would continue to discharge, on a daily basis, 4 million gallons of such treated groundwater into the ocean for many years to come, probably upward of 30 years. The availability of the pipeline for cleaning the Superfund Site, with the imprimatur of the federal government via the EPA, would help Ciba-Geigy maintain its pipeline for current industrial discharges and give support to its permit applications for any new varieties of discharges from its proposed pharmaceutical plant. We are categorically opposed to any such possibility. Instead we are determined to end the use of that pipeline, as rapidly as possible, for any further use as a conveyor of contaminants to our ocean front. We are convinced that far better alternatives are available and such alternatives can be accomplished without adverse effect upon the environment and with far greater acceptability to the community.

We are concerned and dismayed by the fact that EPA has made so little progress in selecting clean-up measures for the numerous hazardous waste disposal areas at the site. It is disturbing to note, moreover, that with all the time that has gone by in its investigations, the EPA has made very little progress, if any, in characterizing the precise nature and quantification of the contents of the most dangerous disposal areas which are and will continue to be the sources of the contamination of our aquifers until they are completely cleaned up. The law requires that EPA must provide for permanent protection of public health by the treatment and elimination of such sources to the maximum extent possible. This cannot be accomplished by a pump-and-treat system alone which does not deal with the inground sources of the contamination. Moreover, dealing with these sources must be done in much more timely fashion than has been the progress, heretofore, in EPA's dealing with this site.

OCEAN COUNTY CITIZENS FOR CLEAN WATER

P.O. Box 4724 Toms River, New Jersey 08754-4724 • (201) 240-7241

With these general observations, we offer the following more specific comments and proposals:

1. An Effective and Verifiable "Pump-and Treat System"

While initially accepting the process of "Pump-and Treat" we must insist that the system shall be constantly monitored and regularly evaluated on a frequent basis to measure and be certain of:

(a) The performance of the recovery wells (i.e. the purge wells) in preventing further groundwater migration off-site and in cleaning up the plumes in the nearby Oak Ridge residential area;

(b) The performance of any discharge treatments so as to ensure that such discharge in no way impairs the environment or threatens human health;

(c) Prior to discharge, the purged groundwater must be treated in such a way that all of the pollutants are below detectable levels using the best available technologies. To guarantee that this goal is met, EPA must require a waste-water treatment program for the purged groundwater totally separate from the current industrial treatment system of Ciba-Geigy; and it must be one specifically designed for the levels and types of contamination present in the groundwater. Any company proposal to use its current waste treatment plant and the combining of the two waste streams must be rejected since this would prevent any accurate information as to the true effectiveness of the treatment system in eliminating the groundwater contaminants.

We further insist that such separation of treatment shall begin as rapidly as possible following the onset of remedial action based on the first-phase Record of Decision. Moreover, in order to guarantee the continued efficiency of the treatment system we would urge that such water be used by Ciba-Geigy for production purposes in as full quantity as may be needed at any time.

2. Verifiable Safe Discharge Of Treated Groundwater

EPA's PRAP has proposed, as its first choice, a direct discharge of treated groundwater into the ocean, and as its second choice, a direct discharge into the Toms River. We reject any direct discharge of treated groundwater into the ocean, bay, river or any other surface waters.

Any discharge alternative must be accomplished in such fashion as to prevent adverse effect upon surface waters or on any current or future groundwater resources.

There are alternative approaches which, either as a sole approach or in effective combinations can meet these criteria. These include land-based discharges, plus groundwater recharge procedures, plus schemata which have not been thoroughly evaluated by EPA to date (including items such as deep reinjection and offsite reinjection). A land based alternative offers an innovative and practical solution to the groundwater discharge issue. The treated materials may be applied to the land by spray irrigation and in ponds. Water in such a case only reaches the river or groundwater after it has trickled and filtered through upper unsaturated soil layers. It offers the following advantages:

(a) It will eliminate the current flow of contaminants into the Toms River and subsequently into the bay and coastal waters;

(b) It is compatible with efforts to eliminate discharging into the ocean;

(c) While some of the water may reach groundwaters, the system can be designed and located so as to avoid any changes in the direction of flow of groundwaters as might adversely affect other areas such as nearby Pine Lake Park. We must at this point indicate that the groundwater injection model used by EPA unhappily failed to take into account such directional flow changes in terms of the proposed placement of its pumps. Better planned models could prevent changed directional flows which would impact traumatically upon surrounding residential areas.

(d) Additional purification would occur to the treated water by virtue of filtration, biological action (e.g. plant absorption, bacterial activity, et al.), so as to maximize pollutant removal while seepage takes place through upper soil layers;

(e) It serves as a "buffer" even during times when the treatment plant is not functioning fully;

(f) It allows for full monitoring by enforcement officials and citizen groups such as a community task force. Such underground flows may be collected and directed by installing an underground tile system.

3. Dealing With Sources

As stated before, far too little attention has been given to the problem of contamination sources on the Ciba-Geigy site such as the 100,000 drum disposal area. It is, of course, obvious to us as it must be to EPA that without addressing the old on-site waste disposal areas, the groundwater will continue to become contaminated as it moves by these numerous sources. We must, therefore, insist that EPA address this problem in vigorous and most expeditious fashion without any long hiatus of time while waiting for the first-stage Record of Decision and the installation of the "Pump-and Treat" program to take place.

We call for:

(a) Inclusion in the first Record of Decision of a master plan, including a time-line schedule, for that which remains to be done to clean up the site thoroughly including all possible sources;

(b) A full and total search for any as yet unknown and undiscovered contamination source sites;

(c) Immediate characterization, qualitatively and quantitatively, of the contents of all source sites.

4. EPA, Rather Than Ciba-Geigy Governance Of The Clean-Up

EPA must take the lead and control of all investigations, feasibility studies and decision-making with respect to all present and future clean-up of the site. EPA should not turn over governance of the clean-up to Ciba-Geigy. The company has a very large stake in holding down the clean-up and liability costs. It should, therefore, not be given the opportunity to design and carry out critical studies and plans for total remediation, governed by such considerations. Moreover, its past record of lack of concern for the environment or the impact of its activities on public health have not earned for it the public confidence necessary to entrust it with the governance of the clean-up which its past behavior has made critically necessary.

5. Public Involvement

The Record of Decision must guarantee:

(a) The right of community, public agencies, organizations and concerned individuals to complete access to all documents and records of the clean-up activities, investigation and monitoring of the Superfund Site;

(b) A declaration by EPA of its intent to continue the current ongoing process of negotiations and participation by representatives of citizen groups that has been taking place in the past year with EPA and the company.

(c) That funds, in terms of sufficient technical assistance grants, must be made available to citizens and community task forces to continue having their own selected expert consultants and their independent capability to monitor all activities and areas requiring such oversight.

6. Economic Problems In This Area

Because there is threatened discharge of many employed workers of Ciba-Geigy as a result of the changes in the company's production patterns, programs, and products, it is strongly urged that Ciba-Geigy be called upon to offer first opportunities for employment in the clean-up programs to any and all employees now facing lay-off, over-early retirement, or discharge. We urge that such workers be so employed without any changes in wage-scales benefits, or seniority. We believe that such workers be given proper retraining to fit them for any required new tasks.

7. New Technologies

We urge that every effort be undertaken by EPA cooperatively with the public and the company to seek and encourage the use of such new technologies in the clean-up as may improve the speed and effectiveness of attaining goals and as may best protect and improve the environment and public health. We urge that all Records of Decision shall provide for such maximum flexibility to allow for desirable innovations.

We, the undersigned, are in agreement with, and support, the concepts and proposals presented in this statement.

GROUP

OCCCCW

Clean Ocean Action

N.J. Environmental Federation

Save Our Ocean

Alliance for a Healthy Ocean
Ocean Nature & Cons. Soc.

Frank Pallone, Jr.

Jersey Shore Audubon Society

DEL-AWARE Int'l, Inc.

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Unlimited, Inc.

Tracy Carlucci
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Patricia Wells
Project Manager, U.S. EPA
Rm. 720
26 Federal Plaza
New York, New York 10278

August 2, 1988

Dear Ms. Wells,

Del-AWARE, Unltd., Inc., is an environmental citizens' organization concerned with issues affecting the Delaware River Basin and adjacent coastal areas. Water supply and management issues which could affect the Delaware watershed sometimes originate in other watersheds. The problem being discussed here tonight is one of these. We want the people of this area and the agencies which make water allocation decisions to understand that if the water resources that serve this area are ruined and become unusable, don't come over to the next river; the Delaware, for drinking water supplies. Governor Kean, Governor Casey, and the others who sit on the Delaware River Basin Commission have already given it all away. By overallocation of the Delaware R. through out-of-basin transfer to watersheds which have polluted their groundwater and/or mismanaged their surface and underground water supplies, the Delaware River and Bay are on the road back to the days before the Federal Clean Water Act when the pollution in the estuary was so bad the river was classified as dead. This was due to a pollution block which built up at Camden and Philadelphia, which, of course, eventually washed into the ocean.

CIB 009 2297

It is important that we realize that the water supply needs of an area must be met as locally as possible if we are going to keep or re-establish, as the case may be, a balanced environment. It is simply bad water management and irresponsible environmentally to foul one's nest and then look to another pasture for meeting one's needs. Governor Kean has allowed this to happen on the Delaware by diverting up to 100 million gallons of water per day (mgd) through the Delaware and Raritan Canal over into the Raritan Basin. Not coincidentally, the Elizabethtown Water Co. gets the largest share of that diversion and is selling it to the booming Princeton Corridor at a whopping profit--Governor Kean's family owns the Elizabethtown Water Co. Any doubt as to why this is the premier public works project of his administration? Water is the oil of the nineties, to quote James Watt, former Secretary of the Interior under Ronald Reagan. As it becomes scarcer through pollution of the aquifers that feed all our rivers and the ocean, it becomes more and more valuable. It's not surprising that water magnates become governors, just like electric companies such as Philadelphia Electric who will receive most of the water from the Pt. Pleasant Project in Bucks County, Pa., on the Delaware River, are now recognizing water as important a raw resource as nuclear and petroleum fuels. The water wars of this region of the country are just beginning. Ocean County and Cape-Geigy, along with all ^{129 in the State of NJ alone,} superfund sites, are in the middle of the storm.

We are faced here with an intelerable predicament. We are being asked by the EPA to choose a remedy to a disaster from three alternatives which will cause disasters in themselves. It is absolutely unacceptable that this international corporation, exposed as the worst of polluters, still operating and polluting, albeit now with a DEP permit, is going to get off without having to renovate the contaminated aquifer in the most conservative way. The preferred alternative, in our opinion, is not among the choices presented to us by EPA. That would be the reclamation of the groundwater through treatment to drinking water or first order stream quality, with no discharge of contaminants back to the environment--that is, perpetual segregation of residue pollutants from the environment in vaults. Yes, it would be expensive but Ciba-Geigy has gotten a free ride on the backs of the environment and the residents of this area since they landed here from Switzerland. They should have to clean up their mess now and then get out of the country.

Considering that the choices being offered are all insufficient remedies, we would like to comment on the choices, ranked from worst up. The alternative to be avoided at all costs is discharge into the ocean. It is perpetuating our plight to allow these toxins to be discharged into the ocean, where they will mix with

all the other pollutants deposited there, be caught up in the chain of life and eventually come back unexpectedly. We have no idea what will happen to the toxins discharged

into the ocean because we are not capable of monitoring them once they are dumped. For EPA to contend that the public health risks associated with ocean dumping are small is apallingly shortsighted and shows a willingness to accept that further pollution is unavoidable. This is cynicism where we can least afford it--at the government agency level. It is not naive to insist that further ocean discharge can and must be avoided in order to try to bring under some control the nightmare we are creating if deposition of waste continues in this cradle and sustainer of life on the planet. EPA and the people of New Jersey cannot bend so easily to industry's push to treat the ocean as a dump--as we should know by now, out of sight is NOT out of mind, not as far as our delicately connected natural world is concerned. Once the Ciba-Geigy superfund site is cleaned up, the toxins found there must be forever watched and kept from migrating.

As far as discharge into the Toms River is concerned, this is equally unacceptable to ocean discharge, for the same reasons. It would simply allow the poisons to spread out along the bottom of the river, some binding with particles there until someday dredged and dumped elsewhere, some washing into the ocean. It would be like letting a contagious disease carrier, like a malaria-carrying insect, slip away into the evening air because you would lose it to the crowd.

The last on the list of unacceptable alternatives is re-injection of the treated water back into the aquifer. We agree with EPA's assessment that controlling groundwater migration from the site is the first step in the clean-up process and support their efforts to protect communities who live adjacent to the site and to protect the aquifers that are interconnected with the site. If the groundwater is extracted by pumping, we would like to offer a few technical comments on the methods to be used. Also, the means of treatment as well as the pumping protocol needs to be carefully arranged so as to have the least amount of impact possible on those who live nearest to the site. As far as what to do with the treated groundwater, we opt for the method that will be monitorable and which will make the water & waste retrievable.

First of all, the treated groundwater and the residues of treatment should not be allowed to leave the Ciba-Geigy site--not by truck, not by pipeline, not by sewer system, not by underground water migration. The pumping of the contaminated area should be done to the extreme, so that a cone of depression is formed, reversing the flow of any pollution plume. When the water, after treatment, is to be re-injected, the injection well should also first be overpumped so that a cone of depression is formed beforehand. A computer model should be done to assess the present nature of the pollution plume and to decide where on the plant site

is best for the injection; considering that the goal is to contain the renovated water. The injection schedule must be carefully set up to control as best as possible transmissivity off site. How rapidly the slug is loaded will impact whether adjoining well users will be affected. New Jersey is very lucky to have Dr. George Pender at Princeton University's Engineering Department. He is one of the world's experts on pollution plume modeling, which can make the difference between a successful aquifer reclamation and a botched one.

Second, surrounding residents must be of the foremost consideration during the treatment process. If air-stripping is used, the air quality must be precisely monitored and state-of-the-art filtering used. Again, the goal is to retrieve as much of the toxins as possible and keep them segregated from the environment. Maximum protection means proper and thorough monitoring. This can be achieved through a series of precautions and requires rigorous and standardized procedures.

Monitoring after re-injection on site will require a tight ring of observation wells at varying elevations due to the fact that different pollutants behave differently in terms of their density. Therefore, the wells must allow the monitor to watch for movement vertically as well as horizontally. Wells must be placed at 10', 100', 1000', for instance, in a circle and downwards. Also, the wells must be lined up and down the strike and dip of the aquifer under the ground.

Normally, 12 observation wells are required around each injection well. Additionally, observation wells must be closely spaced around the entire site. All monitoring data, which should be gathered by an independent outside party, should be reported publicly in the newspaper every week. This community must be able to watch what happens to the toxins from this superfund clean-up.

Third, the level of renovation should be to drinking water standards. In the alternative, it should at least meet the highest quality stream standards, beyond existing NPDES standards, which are not stringent enough for aquifer injection. The rationale here is that we should attempt to continue to be able to drink our groundwater untreated from the well or with minimum treatment from a municipal well water system. Also, we cannot lose sight of the fact that if the aquifer is not at drinking water standard then the streams which flow from the headwaters will not provide the freshening effect they now provide, when clean, to local creeks, rivers, and the ocean. In many clean-up projects, EPA has only required that the pollutant which shows up in the heaviest concentrations be brought to within EPA safe limits--for instance, a serial dilution from parts per thousand to parts per million. Then the finished effluent measures that pollutant as improved. The flaw in this process is that the toxins that are present in, say, parts per million but should be in less concentrations don't show up any more because of the heavy dilution factor.

They slip by, undetected, but very much present. It is not acceptable to simply opt for serial dilution as the treatment process. Also, all hazardous substances present in the groundwater must be removed as best technology can provide, regardless of the cost, which, of course, is to be borne totally by Ciba-Geigy.

Finally, our suggestion is that the extraction process be thorough enough to render the resulting site safe. The water must be treated to highest standards technically possible. The resulting product should be kept on site at Ciba-Geigy, including the toxic residue which should be vaulted perpetually. If re-injected, the water must be re-injected on site with a premise/^{of} no off-site migration built into the renovation process. A computer model must dictate the method of reclamation and state-of-the-art technology must be used in the treatment and monitoring process. Monitoring the pollutant should be the burden of the corporation financially as should all other expenses, though the monitoring has to be in the hands of an independent agent. The results must be reported publicly and on a pre-determined schedule, at regular (weekly) intervals.

The best we can hope for from this EPA cleanup, considering the unacceptability of all EPA-proposed alternatives, and the intolerable situation we find ourselves in with this environmental disaster, is that we can renovate the environment as much as possible, contain the pollutants to avoid further degradation, monitor the results and the clean-up and then retrieve the hazardous waste should it start to spread again. This is why we maintain that there cannot

be any off-site discharge of these pollutants. We would only be compounding our problems by not knowing what these contaminants are doing out there.

We also would like to add that EPA should take action to insure that all municipalities using groundwater from the aquifer here monitor their wells at Ciba-Geigy's expense. If any contaminants show up in municipal or private wells, a moratorium should immediately be placed on new construction in the interest of the public's health, and the same or a newly devised renovation program tailored to the hydrogeology of the area, should be implemented without delay.

The only way we are going to avoid the problematic situation we face here tonight is to tackle the underlying cause. It is a fact that industry, here Ciba-Geigy, have taken all of us, no matter whether we live here or on the North Pole, to the brink of no return. Science tells us that the oceans are dying and when they die, we, and life as we know it on the planet, dies. As citizens who are supposed to have some say in the way we live, here in the United States we should set an example for the public's participation in how business is done in America. We should be able to tell our employers, our manufacturers whose products we buy, our neighbors, how we want them to behave in our communities. After all, they affect our lives as much as our families and personal beliefs do. We have to take responsibility by forcing a reduction of pollution by reduction at the source.

Do we really need to buy soda pop in plastic bottles, to encase our food in styrofoam boxes and plastic cups? Can't we put our trash in something other than plastic bags? What's wrong with having to sterilize and re-use hypodermic needles or refill lighters? Is it worth the price of a dead ocean and water that gives children leukemia to live the convenient life of disposable products? As consumers, we must begin to realize what the price is and to organize our demands on the industries that are poisoning us with these conveniences. Much of the toxins we are facing in all the superfund sites, including this one, are the result of the manufacture of plastics which could be replaced with a shift in consumer habits. Additionally, if we insisted the manufacturing process itself can reduce waste by recycling and switching to less potent ingredients. Source reduction and eventual elimination of the use of all hazardous substances or substances which produce hazardous by-products is the only answer to the contaminated waste problem. There are legislation attempts which begin to deal with this issue. The New Jersey Senate is considering a bill introduced by Sen. John Russe dealing with the use of plastics and styrofoam in packaging. This bill must be toughened and supported. Other avenues must be opened if we are to use our inalienable rights to take back control of where we live and work.

Thank you for the opportunity to comment here tonight. We hope the EPA seriously considers our suggestions.

CIB 009 2306

Paul A. Carluccio
Board member, Del-AWARE

I am scared,

①

I've spoken to several of you, several times and you're impressed on me the gravity and complexity of the situation. There is no safe solution and I certainly don't support dumping in the ocean because it's expedient and convenient.

I have several questions:

- 1.) Why isn't there a representative ~~&~~ from NOAA here/as an obvious contributor to your Remedial Investigation or Feasibility study?
- 2.) Now that you do know what was buried on sight, have your monitoring wells detected all the possible leaching? I want to see the water tests and proposed treatment which

(7)

would treat all those contaminants to the non-detect level also. Is your proposed solution and justifications for it, going to be outdated as soon as there is a new leak from a drum which hadn't been detected in the original water tests?

Incidentally, in the introduction in your blue pamphlet for the public, you write that 'since you don't know what's in the drums,' and then you made your proposal. I still contend that now that you do know, the proposals are invalid and demand reexamination.

And finally question

4.) I would like access to other Superfund Site Remedial Investigations.

No one else has dumped in the ocean, so each of the toxins can be handled differently.

Ciba-Geigy created this disaster by choosing to do what was expedient, convenient and inexpensive.

We cannot take the risk of allowing them the same criteria in trying to clean it up.

Do you have the answers to my questions now? If not, I believe you are making a choice based on incomplete information. I would then be forced to believe, Mr Daggett, that this is totally a political decision.

- a) Two issues at stake -
1. self justification/characterization
- b) Process
- c) What is Proposed?

→ the role of the community - how much, how often, etc.
on the part of the community

First Process

- a) For the past 5 years, citizens in Towns River & surrounding communities have fought to protect themselves & others from pollution coming from the Ciba Geigy pipeline, emptying into the river. The problem was first brought to their attention when the pipe leaked & problems occurred in the middle of a residential neighborhood. From that point on local residents went to numerous efforts to ~~uncover~~ determine just what was being sent through the pipeline & what impact it could have on people's health in the community & in the river.
- b) After extensive research, residents concluded that the pipeline presented a ~~threat~~ to the community & began efforts to ~~stop~~ shut it down - thinking all the while that Ciba must be able to come up with a more environmentally acceptable means of disposing of waste water.
- c) In addition, residents learned that Ciba was responsible for the siting of a Superfund site & pharmaceutical plant. Instead of working to clean up Ciba, they approached the USDE for permits to build a new pharmaceutical plant on the Superfund site. Now, at this point, residents got angry at Ciba - not only were

they proposing to keep using the pipeline, they were also being allowed to expand without first cleaning up the mess they'd already created. Now, this might not have been too bad, except that in the meantime, hundreds of residents

of the Toms River area were informed that their drinking water (from private wells) was contaminated. Some note: Although no definite connection could be established, there was concern that ECR might have been at least partially responsible for the contamination. In fact, some newspapers reported last Nov. that contamination from Ciba had spread beyond ^{the state} ~~the state~~ by thought and was suspected of having contaminated at least 1 of the wells used by Toms River water supply to provide water to the public.

d) Given all this, residents were even more convinced that Ciba should not be rewarded by increased use of pipeline - but should in fact be required to come up with ^{ways of cleaning up the site, providing an} alternative means of handling the same waste.

e) Of course, the current problems at the ocean make the situation more urgent. ~~that is~~
efforts need to be made to keep pollutants further from entering our groundwater, ~~and other environmental problems already there~~

~~instead of dealing adequately with this problem.~~

f) Efforts to pass legislation - enormous support
at hearing in committee enormous support

there is danger of losing the pipeline - many costs involved there

g) EPA/DOT ignoring these concerns - not listening - subverting the democratic process - Daggett intensifying with legislative initiative - ~~pretending~~ attempting to blackmail the public - saying - well, it's either the ocean or the river - what do you want?

h) ~~If the project the process was open to public hearing/discussion - ECR holds hearings and community BEFORE proposed option is revealed.~~

~~Community was involved for 450,000 BCFER proposed options revealed.~~
Instead we have Chris Daggett, today an EPA rep - and next week DOT Commissioner telling the world what the proposed option is - even though it's diametrically opposed to residents' demands. Even if we put environmental questions aside for the moment, is this process right? Is it democratic? Have our rights as citizens and consumers been respected? No we have not.

is one of the most seriously contaminated states in the country. There is no
state which isn't "running" from pollution, whether water, soil or air. When
will the EPA & DEP begin to acknowledge this - when will they stop running away from
pollution, when will they stop pretending it isn't there? When will they take action to
prevent it, instead of promoting it? It better be soon.

The case of John Garry's Superfund site is a good place to begin. Citizens from
many communities & organizations have prepared a short, simple list of demands
for the cleanup. The scientific method idea should be able to come up with a solution
that satisfies them all.

— Read the list

Don't keep shifting the pollution around. We've run out of places, ^{to dump it into} ~~there~~ ^{the environment} ~~the environment~~
as we've run out of places - ~~now~~ and more concerned that our state
and our people cannot tolerate more pollution. Do ~~something soon~~ ^{something soon} - ~~do it~~
now in the best interests of the people, not the industry - ~~but~~ before it's too
late.

Cheapest

allows them to
continue to profit.



Alliance for a Living Ocean

P.O. Box 95, Ship Bottom, New Jersey 08008

August 2, 1988

THE ALLIANCE FOR A LIVING OCEAN IS A SOUTHERN OCEAN BASED CITIZEN'S GROUP. MY NAME IS KAREN KISS, I AM PRESIDENT OF THE ALLIANCE, AND I REPRESENT THE OPINIONS OF OUR OVER 2,500 DIRECT MEMBERS, AND THE CONCERNS ABOUT THE OCEAN OF THOUSANDS MORE IN THE SERVICE ORGANIZATIONS IN OUR AREA WHO ENDORSE OF EFFORTS. IT IS WITH THE DEEPEST CONCERN FOR THE FUTURE OF OUR COUNTY AND STATE BOTH ENVIRONMENTALLY AND ECONOMICALLY THAT THE ALLIANCE STANDS BEHIND IT'S POSITION ON THE SUPERFUND CLEANUP.

FIRST, WE ARE UNALTERABLY OPPOSED TO THE USE OF A PIPELINE DIRECTLY INTO EITHER THE TOMS RIVER OR THE OCEAN. ^{we feel} THE PROPOSED LEVEL OF TREATMENT OF THE PLUME THROUGH THE WASTEWATER PLANT WITH DISCHARGE INTO THE OCEAN ^{would be} IS TOTALLY INADEQUATE AND PROVIDES THE PUBLIC NO LEVEL OF ASSURANCE THAT THE OCEAN WILL NOT BE DEGRADED. ACCORDING TO DR. FREDRICK L. BACH, A P.H.D. ORGANIC CHEMIST WHO RECENTLY RETIRED AS THE DIRECTOR OF TECHNICAL REGULATORY AFFAIRS, MEDICAL RESEARCH DIVISION OF AMERICAN CYANAMID COMPANY ^{who} (AND IS NOW A MEMBER OF THE ALLIANCE,) ^{First Ciba's wastewater treatment plant} "ONE OF THE KEY STEPS IN THE CIBA-GEIGY WASTEWATER TREATMENT IS THE USE OF 'AERATION TANKS' IN WHICH BACTERIA ARE USED TO DIGEST TOXIC ORGANIC WASTES BEFORE THE TREATED WATER IS PASSED THROUGH A "SECONDARY CLARIFIER" AND THEN DISCHARGED INTO THE OCEAN. IT SHOULD BE NOTED THAT ^{Carefully} MANY WATER-SOLUBLE INORGANIC COMPOUNDS AND TOXIC ORGANIC COMPOUNDS ARE NOT READILY DIGESTED BY BACTERIA. ALSO THE CONCENTRATION OF NITRATES AND PHOSPHATES PASSING THROUGH THE 'SECONDARY CLARIFIER' INTO THE OCEAN IS ALSO A SERIOUS CONSIDERATION."

FURTHERMORE, THROUGH THE REVIEW OF THE CAFRA AND DAC PERMIT APPLICATIONS FOR THE N.J.DE.P., THE ALLIANCE'S SCIENTIFIC CONSULTANT DR. JEFFREY WAXMAN FROM COASTAL ENVIRONMENTAL SERVICES. INC. OF PRINCETON AND BALTIMORE, IT IS CLEARLY EVIDENT THAT THERE HAS NEVER BEEN IN THE 20 OR SO YEARS THAT THE PIPELINE HAS BEEN OPERATIONALLY, ONE QUALITY SCIENTIFIC STUDY TO SHOW IF CIBA'S DISCHARGE IS IMPACTING

THE MARINE ENVIRONMENT. IN OTHER WORDS, HAVING LEFT CIBA THE ULTIMATE RESPONSIBILITY TO POLICE ITSELF WITH OUR PRICELESS MARINE ENVIRONMENT, CIBA VIRTUALLY COLLECTED NO RELEVANT DATA DURING THE PIPELINE'S OPERATION ON WHICH TO FORMULATE AN OPINION. NO DATA..NO PROBLEM.. WE FIND THIS ATTITUDE ABYSMAL AND FRIGHTENING.

OUR CONSULTANT MADE IT ALSO QUITE CLEAR THAT MONITORING DIRECT OCEAN DISCHARGE PRESENTS SERIOUS TECHNICAL AND LOGISTICAL PROBLEMS WHICH UNDERMINE THE CREDIBILITY OF THE RESULTING DATA.

FURTHERMORE, WE FIND IT A SERIOUS OVERSIGHT THAT THE EPA COULD EVER CONSIDER USING THE PIPELINE WITHOUT ANY CONSIDERATION TO AN ENVIRONMENTAL IMPACT STATEMENT ON THE PROJECTED SUPERFUND EFFLUENT INTO THE OCEAN. This OVERSIGHT IS APPALLING CONSIDERING ~~THE ECONOMY~~ OF THE SOUTHERN PART OF THE STATE IS REELING FROM THE IMPACT OF OCEAN DEGRADATION ON OUR TOURISM ECONOMY.

WE DO NOT FEEL WE ARE TAKING A PARACHIAL APPROACH TO THE ISSUE OCEAN DISCHARGE BECAUSE WE ARE AN "ocean group"? THE ALLIANCE IS QUITE COGNISANT OF THE GRAVITY OF THE ADVANCING PLUME AND ITS IMPORTANT TO REALIZE THAT IT IS OUR WATER SUPPLY THAT IS NOW BEING THREATENED WITH THE CONTAMINATION.

However, WE ARE NOT GOING TO BE MOBILIZED INTO SUPPORTING SUCH A SERIOUSLY FLAWED PROPOSAL A S DIRECT DISCHARGE SIMPLY BECAUSE , AFTER 4 YEARS OF RELATIVE INACTION BY THE EPA ~~AND BECAUSE~~ THERE IS NOW AN AIR OF EMINENT DISASTER BEING GENERATED BY THE AGENCY ON THIS ISSUE.

THE ALLIANCE THEREFORE FEELS THE FOLLOWING IS REASONABLE ECONOMICALLY TO A COMPANY THE SIZE OF CIBA AND PRUDENT ENVIRONMENTALLY FOR OUR DRINKING SUPPLY AND FOR THE OCEAN.

1. Highest level of treatment of the plume with includes additional treatment ^{above & beyond} after the present treatment facility level, ultimately to provide water clean enough to be utilized in ciba's manufacturing process/ With proper treatment, ciba should have more than enough water to continue operating their TOMSriver plant. Any additional water that needs to be drawn and treated and cannot be used by CIBA immediately could be reinjected into their groundwater, preferably by a tile basin with slow reinfiltration.

2. Under no circumstances should their process wastewater and their superfund plume be treated in the same wastewater plant. There should be two separate and distinct facilities for their two distinct contaminated wastestreams.

be emphasized

3. Finally, under no circumstances should CIBA be given the ultimate responsibility for the clean-up. As mentioned above, we have ample justification to document their inability to self-monitor by their mismanagement of the pipeline studies. This is above and beyond their abysmal record with the plant since its start. The history of CIBA gives up clear indication of the lack of will from corporate headquarters in Switzerland to be responsible environmentally. ~~This~~ This would be an egregious slap on the face to all those who have suffered or will suffer because of the atrocious environmental crimes against humanity perpetrated by CIBA.

Return TO: 1756
Laurel Blvd.
Lanoka Harbor NJ

08734
We, the people of Ocean Co. have watched helplessly
as industry influence peddlers & their bought &
paid-for bureaucrats have turned our waters
into Stinking sewers via an endless process
of mitigation, permitting, permit extensions,
& dilution of the laws which should have
served to protect the environment.

Gentlemen, we suggest that the DEP & the EPA have
proven themselves inept & ineffective in
dealing with any of the many outrages
we are suffering not only here in OC,
but throughout all of NJ's 100+ Superfund
sites. Your "Name Your Poison" solutions
are an insult to the intelligence of a, by
now, VERY informed citizenry.

We, of SAIN, (Stop All Inc. Now) have a common
sense question we apply to our situation
& that is -

"If you lived down hill from a
dump or upwind from an incinerator,
who will you listen to? An industry
consultant, the DEP or a Scientist?"

We therefore suggest that you turn this
solution over to the Scientists - and
to the very citizen groups who have
uncovered this mess, despite the many
obstacles placed their way by the political
power structure.

The Manhattan Project produced a
deeply technological from the best minds
in the country. Let Science redeem
itself for an Earth Project -

By the way, we also ~~believe~~ have trouble
with your having dinner at Mr. Bathgate's home

He stands to make 10-15 million
dollars on bonding commissions for
Ocean County's Incinerator.

As someone said not too long ago,
Nixon had Watergate —
Reagan has his Iran gate
&
Ocean County has its Bathgate.

Gentlemen, as an environmental
group who is fighting against
the abominations of air pollution,
ground water pollution & surface
water pollution because of an
ill conceived & EPA backed
garbage incinerator — we fully
support the efforts of OCCCTU
Save Our Ocean & other environmental
groups.

In conclusion, one might note that
the only thing the EPA, DEP & the
true environmentalists who have
testified to is ^{the common} the word

ENVIRONMENT — The difference
however, is they mean it & you
don't!



Tom Kean, Chairman

PETE ★ DAWKINS

FOR US SENATE

STATEMENT OF PETE DAWKINS
ENVIRONMENTAL PROTECTION AGENCY PUBLIC HEARING
AUGUST 2, 1988

The many people gathered here tonight demonstrates this community's concern; the history of the Ciba-Geigy Corporation's operations in New Jersey demonstrates the immediate need for action.

This pipeline must be closed. We don't need to tinker with it. We don't need to change the system. It needs to be shut down.

Ciba-Geigy should be prohibited from dumping their waste materials into either the ocean or the Toms River.

After we get this pipeline closed, we need to ensure that Ciba-Geigy then cleans up its own back yard. Judging from their past history, the only way we can make sure that happens is to make sure Ciba-Geigy is not in charge of this project.

When something has this kind of impact on a community, that community needs to be represented in an oversight of the Ciba-Geigy cleanup.

Finally, if the closing of the Ciba-Geigy pipeline carries the economic impact the company claims, Ciba-Geigy should provide job retraining for employees effected.

Ciba-Geigy has a sad history of deceiving the people of New Jersey. Any company that has been the subject of more than 200 indictments for violating environmental laws, any company that has consistently tried to conceal what they are dumping simply can't be relied upon to serve as sole guardian of the public interest.

And because of Ciba-Geigy's past record of non-compliance with environmental standards, it is a symbol of what has gone wrong with the Jersey shore.

121 State Highway 36, P.O. Box 70, West Long Branch, N.J. 07764. 201-571-1000

Paid for by Pete Dawkins For Senate, Robert G. McKelvey, Treasurer

CIB 009 2318

This is a critically important issue. But its importance goes beyond this room and beyond this community. Thousands of people have had to cancel long-held plans to come to our shores to relax and vacation. These families deserve better.

Our small business owners up and down the shore are suffering staggering losses. Some may go out of business. They deserve better.

Our state needs to be drawing together, not pulling apart. Throughout this decade, tremendous progress has been made in restoring the image of New Jersey -- and the image of the Jersey shore. All that progress is now in jeopardy of being lost.

We now find people in Cape May trying to disassociate themselves from the Jersey shore and identify themselves, instead, as part of what they call the "Jersey Cape".

We can't allow this to happen. The ocean is simply too important to allow it to be used as a convenient and limitless bin into which we dump our waste. If we're truly serious about mending the damage done to the ocean, we need to show people that we're serious about ending all ocean pollution, from sludge dumping to dredge spoils and allowing private corporations to discharge their waste there.

This is obviously a question of health. But it's also a question of community and a question of trust.

I urge you to brook no further delay and to take steps now to insure that the safety of the ocean is not left to the whims of a company with such a suspect record of environmental concern. Closing the pipeline is the first step.

TESTIMONY REGARDING THE USE OF THE CIBA-GEIGY OCEAN OUTFALL FOR
DISPOSAL OF SUPERFUND WASTES

by

Peter C. Hibbard

12 Pine Fork Drive

Toms River, NJ 08755

As a scientist with over 20 years of training and experience in the environmental field, I am here tonight to strenuously object to the decision by the USEPA to discharge treated contaminated wastes from the Ciba-Geigy Superfund site into the Atlantic Ocean via the ocean outfall pipeline that Ciba now uses. The decision, although apparently citing several studies that have been conducted regarding this problem, can find support for discharge into the ocean or into any body of surface water only through the practice of selective amnesia. EPA has relied heavily in the data and opinions of the Ciba-Geigy Corporation, data which, according to these very studies, contain gaping holes. Ciba has demanded to be evaluated on its science, and this is not good science. We do not know, nor can we find in the literature, all the compounds which may pass through that pipe. We do not know, nor can we find in the literature, what new compounds may be formed within the pipe. EPA has clearly indicated that their decision is based on an assumption that there will be no harmful impacts from synergism. Many competent scientists know that this assumption is dangerous.

While the ocean is large, and dilution makes detection difficult, failure to detect harmful compounds does not mean that the impact can be ignored. No

studies have been done on bioaccumulation through the entire food chain at the site of discharge. We do not know, nor can we find in the literature, what will be the long term consequences on our marine environment. What does appear clear, however, is that our regulatory officials have either forgotten or have deliberately ignored the lessons from Rachel Carson's Silent Spring. Not all public officials are so callous. Both George Bush and Mike Dukakis have stated that they recognize the need to clean up our oceans, and yet regulatory officials who are not subject to the will of the voters, are willing to commit to a policy that would utilize this very same resource as a chemical dumping ground, because it is "convenient". It seems that even the EPA Region II Administrator admits he would not have accepted the ocean pipeline option, had it not already existed. This is not good science.

The citizens of New Jersey have requested, and now demand, that EPA use good science and impartially evaluate all options for disposal, including land based alternatives. Some EPA officials have demonstrated a misguided dedication to using our public resources to dispose of private wastes. These very same officials have demonstrated a cavalier attitude in dismissing alternatives that would require land-based disposal. I have spent many years of my career as a soil scientist for USDA, and I know that a workable system can be economically designed. Land based treatment methods are being used in other parts of this state and in other parts of this country. Successful research into heavy metal recovery from wastewater has been reported from Japan and Israel. Cornell University has also reported some promising systems that have gone ignored.

EPA has now spent three years researching this site at considerable expense to the taxpayer. The result of this public expense is as follows:

We don't know what will go through the pipe, but Ciba THINKS it will be safe and EPA agrees.

We don't know what is buried in the ground, but Ciba thinks it is too dangerous to investigate, and EPA, by their reluctance to investigate, appears to agree.

We don't know, because of a lack of scientific data, what is the best disposal method for the superfund waste, but Ciba thinks it is the pipeline, and EPA agrees.

Ciba-Geigy has criticized environmental groups and public officials that disagree with them. Ciba-Geigy has asked that the issue be resolved on the basis of good science, and I agree, but I have yet to see any good science. I call upon EPA to meet the mandate as stated in their enabling legislation, and to investigate all sides of the scientific question, the economic issues, and the social issues.

What data does exist may be extrapolated to a conclusion that implies considerable harm to our marine resources. As a result, EPA should not, MUST not, allow continued abuse of our valuable water resources. There can be no permitted discharge into the ocean, or any surface waters of the state. It is the joint responsibility of the EPA and Ciba-Geigy to find an alternative that presents a clearly identified and acceptably minimal risk to the public. So far, very little is clear. It is their moral responsibility, as well as their legal duty, and we, the public, demand that they fulfill that responsibility.

I am requesting that I receive a copy of responses to issues raised at this hearing. My address is found at the top of this statement.

TESTIMONY REGARDING THE USE OF THE CIBA-GEIGY OCEAN OUTFALL
FOR DISPOSAL OF SUPERFUND WASTES

by

Susan C. Hibbard

12 Pine Fork Drive

Toms River, NJ 08755

The decision to discharge treated contaminated groundwater into the Atlantic Ocean via the Ciba-Geigy outfall pipeline was based partly on a risk assessment prepared for Ciba-Geigy by Environ Corporation in a May 1988 study. This risk assessment study contains such serious shortcomings as a scientific study that any conclusions based upon this study must also be considered suspect. Unfortunately, these deficiencies are consistent with other studies conducted by Ciba-Geigy consultants concerning the outfall line.

Although there are many problems with the assessment, several are especially significant.

The risk assessment states that it is based on assumptions which are NOT supported by any hard scientific data. This is simply not done in a valid scientific study.

The risk assessment states that it is based on the assumption that data provided to Environ by AWARE, another Ciba consultant, "was itself accurate and complete. There may be compounds present in the effluent that have not been identified." The risk assessment then continues to state that "these unknown compounds should not influence the relative risks." It is significant that the failure to base the conclusion on complete data renders the

conclusion no more valid than the guesswork of some of the data. In otherwords, as a result of this study, and other similar studies, we have no real idea of the risks involved.

Bioaccumulation data for this study were provided to Environ by Diba and were accepted as valid without further testing by Environ or by an objective third party. This is not acceptable in a valid scientific study.

The study admits a limitation due to "lack of data on biological interaction and the enhancement or diminution of toxic effects for combined chemical exposures." There is no data on the synergistic effects of two or more chemicals. In the absence of this data, EPA suggested that the risks for exposure to mixtures of chemicals should be estimated as if the impacts were only additive. Because they are not sure of how to deal with the question in an economical manner, the EPA has chosen to ignore the fact that synergism even exists. This is not done in a valid scientific study.

In my attempts to evaluate the Environ risk assessment as a scientific study, I have found assumptions, guesswork and extrapolation have filled in the gaps in valid data. In my opinion, the admission by Environ to this process invalidates the conclusions entirely, since the process used was only partially science and mostly what the scientific community calls the "fudge factor". It is most certainly not good science.

We, the residents of New Jersey are entitled to expect better than this from our regulatory agencies, because it is apparent that EPA and NJDEP are willing to call this science. I am not so willing. EPA has determined that an ocean or river discharge represent an acceptable option for the disposal of superfund wastes. An element of that decision is based on the risk assessment. In my

opinion, the risks remain unknown, and I still want to see any science that clearly supports a conclusion that the risks are acceptable. EPA has selected ocean discharge as the best of the options available. It does not appear that they have given any serious consideration to other options that not only exist, but are economical as well.

DuPont has used ocean disposal of its wastes into the Atlantic Ocean for many years, but this summer they announced that DuPont would withdraw its application for a renewal of its discharge permit. DuPont will no longer continue to use the ocean for its wastes. This American company has used American ingenuity and has demonstrated a responsibility to America's great Ocean resource to find a land-based alternative to ocean disposal. I think we can assume that DuPont has selected an alternative that is economical.

The Swiss owned company must be required to do two things. Ciba officials have made a great deal of fuss about demanding to be evaluated by science and not by emotion. They must be required to provide good, valid science which will stand up to peer review, and still support acceptable conclusions.

And second, Ciba must find a disposal method that does not require contamination of public resources to save their private budget. Many companies have turned to environmentally sound practices, while Ciba still pins their hopes for the future on a Pipedream.

I am requesting that I receive a copy of responses to issues raised at this hearing. My address is found at the top of this statement.

August 2, 1988

Ms. Patricia Wells, Project Manager
U.S. EPA
26 Federal Plaza, Room 720
New York, New York 10278

Dear Ms. Wells:

My name is Janet N. Larson and I live at 21 Winding River Drive in the Oak Ridge Section of Dover Township. I am a member of several organizations offering testimony at this public hearing. However, as an immediate neighbor of the Ciba-Geigy Toms River Plant, I wish to comment on the superfund cleanup proposals on my own behalf. I am not a technical expert therefore my remarks will be of a general nature.

I have read summaries of the Proposed Remedial Action Plan and the Remedial Investigation / Feasibility Study Reports. I am greatly disappointed that your agency has not addressed ALL of the contamination sources. In my opinion it would be prudent to address the removal of the contamination sources while controlling the groundwater contamination migration. Furthermore, not enough attention has been given to preventing the contamination from moving downward into the deeper aquifers. I urge that this aspect be addressed immediately. I do not feel that enough attention has been given to airborne contamination traveling off-site during the cleanup process. A system with integrity must be instituted to prevent any adverse impact on local air quality. We in Oak Ridge have suffered too often from odors generated at the plant. I urge that all tests results and reports continue to be made available to the public through the Ocean County Library System to help re-establish public faith in the company, NJDEP, and the EPA.

I also ask that the EPA immediately intervene requiring a vegetation survey for endangered and threaten plant species which might be growing in the marshy areas of Winding River Park where the contamination plume is surfacing. On July 19, 1988, I asked company officials to search for endangered and threatened plants and if located, move them as a precautionary measure - perhaps to Riverwood Park which is an up-stream municipal park with similar habitat. I realize it may take many seasons for mutations to occur, but no one knows how long the contamination plume has been surfacing and we have a moral obligation not to jeopardize these species which are already at risk.

Thank you for the opportunity to participate in this fact-finding process. I wish your agency objectivity, statesmanship, and good luck in your deliberations.

Janet N. Larson

PETER F. NERONHA

REPRESENTING SAVE OUR SHORES

AT THE OUTSET, I'D LIKE TO
STATE THAT SAVE OUR SHORES COMPLETELY
SUPPORTS THE 16 POINTS OUTLINED BY STEPHANIE
OF SAVE OUR SHORES ~~A FEW MOMENTS~~ EARLIER
TONIGHT. HOWEVER, ~~WE~~^{WE} FEEL THAT SEVERAL
ISSUES ARE SO IMPORTANT THAT WE WOULD
LIKE TO ~~BRIEFLY~~ BRIEFLY ~~PRESENT~~ PRESENT OUR VIEWS
AT THIS TIME. FIRST, THE CONTAMINATED
GROUNDWATER SHOULD BE TREATED TO ~~BE~~
NON-DETECTABLE LEVELS, THEREFORE ENSURING
THE PROTECTION OF THE COMMUNITY. SECOND,
THE CONTAMINATED GROUNDWATER SHOULD
BE TREATED IN A FACILITY SEPERATE
FROM THE EXISTING CIEBA GELLY PLANT.

THIRD, THE ROD SHOULD INCLUDE A PLAN FOR CLEANING UP THE REMAINING SOURCES OF CONTAMINANTS AT THE CIEBA-GEIGY SITE AND A TIMETABLE FOR THAT CLEAN UP. FINALLY, DISCHARGE OF THE TREATED GROUNDWATER TO THE ATLANTIC OCEAN IS COMPLETELY UNACCEPTABLE. OUR OCEANS ARE TO BE VALUED, ENJOYED, AND MOST OF ALL PROTECTED, NOT USED AS A DUMPING GROUND FOR CIEBA-GEIGY OR ANY OTHER WASTE. SOS SUPPORTS A SOLUTION WHICH ASSURES THE PUBLIC HEALTH, IRRESPECTIVE OF COST TO CIEBA-GEIGY

SENATE PRESIDENT JOHN F. RUSSO

TESTIMONY BEFORE EPA

AUGUST 2, 1988

THIS IS THE FIRST TIME THAT THE ENVIRONMENTAL PROTECTION AGENCY HAS WORKED WITH THE COMMUNITY TO DEVELOP CLEAN-UP METHODS AND PROCEDURES FOR SUPERFUND SITES IN ADVANCE OF TAKING ACTION.

THE EPA SHOULD BE CONGRATULATED FOR ITS EFFORTS TO DIRECTLY INCLUDE THOSE PEOPLE WHO ARE AFFECTED BY ITS ACTIONS IN THE DECISION-MAKING PROCESS. THIS PRACTICAL FORESIGHT SHOULD NOW BECOME PART OF STANDARD OPERATING PROCEDURE FOR THE AGENCY.

THE CREDIT FOR THIS NEWFOUND COMMUNITY INVOLVEMENT MUST BE SHARED WITH THE LOCAL RESIDENTS, ENVIRONMENTALISTS AND GOVERNMENT LEADERS WHO PRESSURED THE AGENCY INTO RESPONSIVENESS.

THE VOICES OF CONCERN AND CALLS FOR ACTION THAT CAME FROM THESE PEOPLE REMINDED THE FEDERAL ENVIRONMENTAL AGENCY THAT A CONCERNED PUBLIC WAS KEEPING A STEADY EYE ON ITS ACTIONS. THE MESSAGE FROM ALL OF US WAS CLEAR AND RESOUNDING: WE WILL ACCEPT NO CLEAN-UP PLAN THAT COMPROMISES THE HEALTH OF THE RESIDENTS OR THREATENS THE SANCTITY OF THE ENVIRONMENT!

THE ADVISORY COMMITTEE NOW EMBARKS ON THE IMPORTANT PROCESS OF EVALUATING ALTERNATIVE CLEAN-UP PLANS FOR THE CONTAMINATED CIBA-GEIGY SITE. I URGE THE EPA TO LISTEN TO THE COMMUNITY ADVISORY COMMITTEE AND TO RESPECT ITS RECOMMENDATIONS. THE GROUNDWATER SHOULD BE CLEANED WITHOUT DISPLACING THE ENVIRONMENTAL DANGER TO OTHER LOCATIONS.

IF WE ARE SUCCESSFUL IN THIS APPROACH -- WHERE THE
COMMUNITY IS DIRECTLY INVOLVED IN MAKING IMPORTANT DECISIONS
-- NEW JERSEY CAN SERVE AS A MODEL FOR EFFECTIVE CLEAN-UP WORK
THROUGHOUT THE NATION.

THERE CAN BE NO DOUBTS ABOUT THE MOTIVES AND THE
COMMITMENT OF LOCAL RESIDENTS IN THE SEARCH FOR VIABLE
SOLUTIONS TO ENVIRONMENTAL HAZARDS. THEIR CONCERN FOR THE
CONTINUED HEALTH AND SAFETY OF FAMILY MEMBERS AND LOVED ONES
PROVIDES A DEMANDING INCENTIVE.

IN TERMS OF THE SPECIFIC ENVIRONMENTAL PROBLEM BEFORE
US, I AM DISTURBED BY THE EPA'S PROPOSAL TO ALLOW CIBA-GEIGY
TO USE THE OCEAN PIPELINE TO DISPOSE OF WATER FROM THE
SUPERFUND SITE.

THE CONTINUED ONSLAUGHT OF WASTE AND POLLUTION THAT HAS PLAGUED OUR BEACHES MUST BE STOPPED. A PLAN THAT WOULD KEEP THE OUTFALL PIPE SPEWING WASTEWATER INTO THE OCEAN FOR UP TO 30 YEARS IS NO SOLUTION AT ALL.

I AM THE SPONSOR OF LEGISLATION THAT WOULD PROHIBIT INDUSTRIAL DISCHARGES INTO OCEAN WATERS. THE SENATE HAS APPROVED THE BILL BUT IT IS NOW STALLED BEFORE THE ASSEMBLY.

IF THE EPA ENACTS THE PLAN TO DUMP WATER FROM THE SUPERFUND SITE INTO THE OCEAN THROUGH THE PIPELINE, THEY WILL UNDERMINE OUR EFFORTS AT THE SAME TIME THEY ADD TO THE CONTINUED DEGRADATION OF THE SHORELINE. THIS CANNOT BE ALLOWED.

OUR ENVIRONMENTAL FUTURE SHOULD NOT BE BASED ON THE CONTINUED USE OF THAT PIPELINE. THE OCEAN SHOULD NO LONGER BE USED AS A TOXIC SEWER.

TURNING AROUND AND DUMPING THE SAME MATERIAL INTO THE
TOMS RIVER IS NOT AN ACCEPTABLE ALTERNATIVE. THE WATER THAT
FLOWS THROUGH THE RIVER BED IS JUST AS VITAL TO THE
ENVIRONMENT AS THE OCEAN.

I URGE THE EPA TO UTILIZE THE ABILITY OF THE
NEWLY-ESTABLISHED WORKING COMMITTEE AND TO FIND THE
WILLINGNESS AND RESOLVE TO FIND ANOTHER REMEDY TO DUMPING THE
WASTEWATER IN THE OCEAN OR RIVER.

THE BALANCE OF THE DECISION TO BE MADE IS ENORMOUS.
THE ECONOMIC, SOCIAL AND ENVIRONMENTAL DAMAGE THAT RESULTS
FROM THE CALLOUS DISPOSAL OF DAMAGING WASTE MATERIALS CAN
PERMANENTLY SCAR THE EARTH WE LIVE ON. I URGE THE EPA TO PUT A
UNILATERAL END TO ALL INDUSTRIAL DUMPING IN PUBLIC WATERS.

THANK YOU.